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WHEN: Tuesday, February 12, 2013
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1005

[Docket No. CFPB–2012–0050]

RIN 3170–AA33

Electronic Fund Transfers (Regulation E) Temporary Delay of Effective Date

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this final rule to delay the February 7, 2013, effective date of final rules published by the Bureau on February 7, 2012, and August 20, 2012 (collectively, 2012 Final Rule), that amend Regulation E, which implements the Electronic Fund Transfer Act (EFTA). The 2012 Final Rule implements statutory requirements set forth in section 1073 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) regarding remittance transfers. The Bureau is delaying the effective date of the 2012 Final Rule pending the finalization of a proposal, published on December 31, 2012 (December 2012 Proposal), that would address three narrow issues in the 2012 Final Rule. The Bureau will determine the new effective date when it finalizes the December 2012 Proposal.

DATES: The effective date of the Final Rules published February 7, 2012 (77 FR 6194) and August 20, 2012 (77 FR 50244) and technical correction published July 10, 2012 (77 FR 40459) is delayed. The Bureau will publish a document in the **Federal Register** announcing the new effective date.

FOR FURTHER INFORMATION CONTACT: Eric Goldberg or Lauren Weldon, Counsels, or Dana Miller, Senior Counsel, Division of Research, Markets, and Regulations, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Overview

Section 1073 of the Dodd-Frank Act [1] amended the EFTA [2] to create a new comprehensive consumer protection regime for remittance transfers sent by consumers in the United States to individuals and businesses in foreign countries. For covered transactions sent by remittance transfer providers, section 1073 creates a new EFTA section 919, and generally requires: (i) The provision of disclosures prior to and at the time of payment by the sender for the transfer; (ii) cancellation and refund rights; (iii) the investigation and remedy of errors by providers; and (iv) liability standards for providers for the acts of their agents.

On February 7, 2012, the Bureau published a final rule to implement section 1073 of the Dodd-Frank Act. 77 FR 6194 (February Final Rule).[3] On August 20, 2012, the Bureau published a supplemental rule adopting a safe harbor for determining which companies are not remittance transfer providers subject to the February Final Rule because they do not provide remittance transfers in the normal course of business, and modifying several aspects of the February Final Rule regarding remittance transfers that are scheduled before the date of transfer. 77 FR 50244. The 2012 Final Rule adopted an effective date of February 7, 2013. In the February Final Rule, the Bureau stated that it would continue to monitor implementation of the new statutory and regulatory requirements. The Bureau has subsequently engaged in dialogue with both industry and consumer groups regarding implementation efforts and compliance concerns.

Upon further review and analysis of these concerns, the Bureau published the December 2012 Proposal to refine several narrow aspects of the 2012 Final Rule. 77 FR 77188 (Dec. 31, 2012). The Bureau also proposed to extend the 2012 Final Rule's effective date until 90 days after the finalization of the December 2012 Proposal. The comment period on both the proposed substantive changes and the new effective date of the 2012 Final Rule closes on January 30, 2013.[4] The Bureau intends to finalize the proposal expeditiously following the close of this comment period.

Given the impending February 7, 2013 effective date of the 2012 Final Rule, the Bureau simultaneously solicited comment on whether it should temporarily delay the effective date pending finalization of the December 2012 Proposal. The comment period on this narrow aspect of the December 2012 Proposal closed on January 15, 2013.

II. Overview of Comments and Outreach

The Bureau received approximately 43 comments on its December 2012 Proposal to delay the effective date of the 2012 Final Rule beyond February 7, 2013. Commenters generally supported, or did not oppose, the temporary delay. All commenters that addressed the effective date either directly expressed support for or did not object to the proposed delay or indirectly supported the proposed delay by addressing the December 2012 Proposal's 90-day proposed extension.

III. Summary of the Final Rule

Based on comments received, the Bureau is temporarily delaying the effective date for the 2012 Final Rule pending finalization of the December 2012 Proposal. The new effective date will be determined when the substantive refinements to the December 2012 Proposal are finalized. The new effective date will be after February 7, 2013. As noted above, the Bureau proposed that the 2012 Final Rule and any revisions resulting from the December 2012 Proposal would become effective 90 days after the Bureau finalizes the proposal.

[1] Public Law 111–203, 124 Stat. 1376, section 1073 (2010).

[2] 15 U.S.C. 1693 *et seq.* EFTA section 919 is codified in 15 U.S.C. 1693o–1.

[3] A technical correction to the February Final Rule was published on July 10, 2012. 77 FR 40459. For simplicity, that technical correction is incorporated into the term ''February Final Rule.''

[4] Details on how to submit a comment on both the substantive changes in the proposal and the new effective date of the Final Rule, are available at 77 FR 77188 (Dec. 31, 2012) or at *https://www.federalregister.gov/articles/2012/12/31/2012-31170/electronic-fund-transfers-regulation-e.* Comments must be submitted on or before January 30, 2013.

IV. Status of the Bureau's Remittance Rule Safe Harbor Countries List

On September 26, 2012, the Bureau issued a safe harbor list of countries that qualify for an exception in the 2012 Final Rule that permits estimated disclosures of certain figures where the laws of the recipient country do not permit a determination of the exact amounts.[5] In that issuance, the Bureau explained that it would not remove countries from the list before May 1, 2013. In light of the temporary delay of the effective date of the 2012 Final Rule, the Bureau will reassess the earliest date on which, if necessary, countries may be removed from the list in connection with the finalization of the December 2012 Proposal, although that date will not be before May 1, 2013.

In the meantime, the Bureau continues to welcome input on possible amendments to the list. The Bureau's September 26, 2012 issuance on the safe harbor list of countries contains details on how to submit this feedback.

V. Legal Authority and Effective Date

Section 1073 of the Dodd-Frank Act creates a new section 919 of the EFTA and requires remittance transfer providers to provide disclosures to senders of remittance transfers, pursuant to rules prescribed by the Bureau. In particular, providers must give a sender a written pre-payment disclosure containing specified information applicable to the sender's remittance transfer. The provider must also provide a written receipt that includes the information provided on the pre-payment disclosure, as well as additional specified information. EFTA section 919(a). In addition, EFTA section 919(d) directs the Bureau to promulgate rules regarding appropriate cancellation and refund policies and to investigate and remedy errors by providers.

In addition to the statutory mandates set forth in the Dodd-Frank Act, EFTA section 904(a) authorizes the Bureau to prescribe regulations necessary to carry out the purposes of the title. The express purposes of the EFTA, as amended by the Dodd-Frank Act, are to establish ''the rights, liabilities, and responsibilities of participants in electronic fund and remittance transfer systems'' and to provide ''individual consumer rights.'' EFTA section 902(b). EFTA section 904(c) further provides that regulations prescribed by the Bureau may contain any classifications, differentiations, or other provisions, and may provide for such adjustments or exceptions for any class of electronic fund transfers or remittance transfers, that the Bureau deems necessary or proper to effectuate the purposes of the title, to prevent circumvention or evasion, or to facilitate compliance.

This final rule will be effective on the date of publication in the **Federal Register**. Under section 553(d) of the Administrative Procedure Act (APA), the required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause found and published with the rule. 5 U.S.C. 553(d). This final rule does not establish any requirements but rather delays the effective date of the 2012 Final Rule pending the finalization of the December 2012 Proposal. Therefore, under section 553(d)(1) of the APA, the Bureau is publishing this final rule less than 30 days before its effective date because it is a substantive rule which grants or recognizes an exemption or relieves a restriction. 5 U.S.C. 553(d)(1). The Bureau further finds it has good cause pursuant to section 553(d)(3) of the APA to dispense with the 30-day delayed effective date requirement because, on balance, the need to implement immediately the delay of the 2012 Final Rule's February 7, 2013 effective date before that date occurs outweighs the need for affected parties to prepare for this delay.

VI. Section 1022(b)(2) of the Dodd-Frank Act

Section V of the December 2012 Proposal contained the Bureau's preliminary analysis under section 1022(b)(2) of the Dodd-Frank Act of the potential costs of the December 2012 Proposal to consumers and covered persons (as defined in Dodd-Frank Act section 1002(6), 12 U.S.C. 5481(6)). In the final portion of that section, the Bureau addressed the impact of the proposed delay of the effective date on covered persons and consumers. *See* Section V.3. of the December 2012 Proposal.

In the proposal, the Bureau stated that the temporary delay of the 2012 Final Rule's effective date would generally benefit remittance transfer providers by delaying the start of any ongoing compliance costs. The additional time might also enable providers (and their vendors) to build solutions that cost less than those that might otherwise have been possible.

The Bureau also recognized that the proposed temporary delay of the effective date would impose some costs on senders by temporarily delaying the time when they would receive the benefits of Dodd-Frank section 1073 and the 2012 Final Rule from February 7, 2013 to the ultimate effective date. Thus, consumers at most will only lose benefits from Dodd-Frank section 1073 that would have accrued during the length of the temporary delay. (As noted above, the Bureau has not yet determined when the 2012 Final Rule will take effect but has proposed that it would become effective 90 days after the Bureau finalizes the December 2012 Proposal.) The Bureau also noted that senders may benefit from the temporary delay to the extent that both the proposed refinements and the additional time providers have to implement the 2012 Final Rule may eliminate any disruptions in the provision of remittance transfer services.

Further, the Bureau is not aware of any unique impact that this final rule might have on insured depository institutions or insured credit unions with total assets of $10 billion or less as described in section 1026(a) of the Dodd-Frank Act, or on rural consumers.

VII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations. The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Bureau did not perform an IFRA because it determined and certified that the December 2012 Proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. The Bureau did not receive any comments regarding its certification of the delayed effective date proposed in the December 2012 Proposal, and is adopting that aspect of the December 2012 Proposal without change.

A FRFA is not required for this final rule because it will not have a significant economic impact on a substantial number of small entities. This final rule will temporarily delay the February 7, 2013 effective date of

[5] See *http://files.consumerfinance.gov/f/201209_CFPB_Remittance-Rule-Safe-Harbor-Countries-List.pdf* (Sept. 26, 2012).

the 2012 Final Rule, pending the finalization of the December 2012 Proposal that would address three narrow issues in the 2012 Final Rule. The Bureau will determine the new effective date when it finalizes the December 2012 Proposal. The delay in effective date will generally benefit small remittance transfer providers, by delaying the start of any ongoing compliance costs. The additional time might also enable providers (and their vendors) to build solutions that cost less than those that might otherwise have been possible.

Accordingly, the undersigned hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

VIII. Paperwork Reduction Act Analysis

The Bureau may not conduct or sponsor, and, notwithstanding any other provision of law, a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The Bureau determined that the December 2012 Proposal's proposed delay of the effective date of the 2012 Final Rule does not impose any new recordkeeping, reporting, or disclosure requirements on covered persons or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501, *et seq.* The Bureau did not receive any comments regarding this conclusion, to which the Bureau adheres.

List of Subjects in 12 CFR Part 1005

Banking, banks, Consumer protection, Credit unions, Electronic fund transfers, National banks, Remittance transfers, Reporting and recordkeeping requirements, Savings associations.

Dated: January 19, 2013.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2013–01595 Filed 1–25–13; 4:15 pm]

BILLING CODE 4810–AM–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 162

[Docket No. USCBP–2011–0022; CBP Dec. 13–04]

RIN 1651–AA94

Internet Publication of Administrative Seizure and Forfeiture Notices

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This final rule adopts, with one change, a notice of proposed rulemaking (NPRM) published in the **Federal Register** on February 8, 2012, that proposed to allow for publication of notices of seizure and intent to forfeit on an official U.S. Government forfeiture Web site. CBP anticipates that this rule's amendments will reduce administrative costs and improve the effectiveness of CBP's notice procedures as Internet publication will reach a broader range of the public and provide access to more parties who may have an interest in the seized property.

DATES: Final Rule effective February 28, 2013.

FOR FURTHER INFORMATION CONTACT: Dennis McKenzie, Director, Fines, Penalties and Forfeitures Division, Office of Field Operations, U.S. Customs and Border Protection, (202) 344–1808.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2012, CBP published in the **Federal Register** (77 FR 6527) a proposed rule to amend title 19 of the Code of Federal Regulations (19 CFR) regarding the manner by which CBP provides notice of intent to forfeit seized property appraised at more than $5,000 and seized property appraised at $5,000 or less. CBP proposed to utilize the Department of Justice (DOJ) forfeiture Web site, located at *www.forfeiture.gov,* to post seizure and forfeiture notices for property appraised in excess of $5,000 in value for 30 consecutive days, including seizures by the U.S. Border Patrol,[1] where appropriate. The DOJ forfeiture Web site currently contains a list of pending notices of civil and criminal forfeiture actions in various district courts and Federal Government agencies. Under the proposed regulation, CBP would no longer be required to publish administrative seizure and forfeiture notices for three successive weeks in a newspaper circulated at the CBP port and in the judicial district where CBP seized the property. CBP would continue to provide direct written notice to all known parties-in-interest of the seizure/forfeiture action and include the Web site posting address and the expected dates of publication in that notice.

To retain flexibility in the process pertaining to the higher-valued merchandise (appraised at more than $5,000), CBP proposed to retain the discretion, as circumstances warrant, to publish additional notice in a print medium for at least three successive weeks. For example, CBP would have the discretion to publish a notice of seizure and forfeiture in a newspaper in general circulation at the port and the judicial district nearest the seizure, or with wider or national circulation, when recommended by the pertinent U.S. Attorney's office or court of jurisdiction. Also, CBP would have the discretion to publish notice of seizure and forfeiture in a non-English language or other community newspaper to ensure reaching a particular community that may have a particular interest in or connection to the seizure. Similarly, CBP would have the discretion to publish notice of seizure and forfeiture in a trade or industry publication that serves a particular commercial community to ensure reaching a party when it is difficult to identify a vessel or other conveyance owner.

Under the proposed rule, CBP also would publish seizure and forfeiture notices on the DOJ forfeiture Web site for 30 consecutive days for seized property appraised at $5,000 or less. This additional notice would not replace the current procedure of CBP posting notice at the customhouse nearest the place of seizure. However, the proposed amendment would specify that in situations where Border Patrol agents make the seizure, the posting would be at the appropriate Border Patrol sector office.

Benefits of Internet Posting

As explained in the NPRM, CBP believes that using the Internet to publish CBP seizure and forfeiture notices will provide notice to a broader range of the public without the geographical limitations that exist under the current procedure's reliance solely on local print publications or customhouse postings. Under this final rule, Internet posting will be available

[1] Please note that the agency's formal designation is the U.S. Border Patrol (or USBP), while the CBP Headquarters element of the Border Patrol is known as the Office of Border Patrol (OBP). Officers of the USBP are commonly referred to as either Border Patrol agents or Border Patrol officers.

for a longer period of time (30 days) compared to the minimum statutory requirement of three weeks (21 days). This final rule provides CBP the discretion to publish notice in a print medium when CBP determines that additional outreach would be appropriate. In addition to these advantages, CBP expects that Internet publishing will provide savings to the Government.

Discussion of Comments

CBP solicited public comments on the proposed rulemaking and ten commenters responded. The comments are set forth and discussed in this section.

CBP notes that, at the request of representatives from the newspaper industry, DHS held a listening session on April 12, 2012. Newspaper industry representatives orally presented the substance of two written documents which are available in the docket for this rule under ''Supporting and Related Materials.'' One of the documents is a copy of a previously submitted comment (see Docket USCBP–2011–0022–0012, dated April 9, 2012, which is discussed below).

Favorable Comments

Most of the comments were supportive of the proposed amendments, citing several of the reasons that CBP set forth as the basis for the proposal: reduced cost to the government and the ability to reach more potentially interested persons. Also, these commenters identified, as advantages of the proposal, the following factors: the increased efficiency and wide availability of the Internet, enhanced government transparency, the shrinking newspaper market (fewer newspapers and newspaper consumers), the increasing costs associated with newspaper advertising, and CBP's flexibility to use newspaper advertising in appropriate circumstances. Two commenters pointed out how the proposed amendment serves the purposes of Executive Order (E.O.) 13576, entitled *Delivering an Efficient, Effective, and Accountable Government,* wherein the President encourages Federal Government agencies to cut waste, streamline structure and operations, and reinforce performance and management reform. These commenters suggested that the switch to Internet publishing would enhance government efficiency through use of technology and thereby improve customer service.

Unfavorable Comments or Recommendations To Improve the Regulation

The following comments expressed objections to the proposed rule or made recommendations to improve the effectiveness of the proposed rule. A description of these comments, together with CBP's analyses, is set forth below.

Comment: One commenter, agreeing that Internet posting is an effective replacement for newspaper advertising of seizure and forfeiture notices, recommended reducing the time period for posting notice to less than 30 days. Another commenter recommended increasing the posting time period to more than 30 days. The former commenter identified speeding up the process as a worthy goal, and the latter commenter favored providing more time so that unknown interested parties could learn of the seizure and act on the posted information.

CBP Response: CBP believes that the proposed 30-day Internet post time strikes the right balance, as it provides adequate notice to the public and a reasonable time frame for responsibly resolving seizures and forfeitures with appropriate dispatch. Both are important concerns for CBP, interested parties, and the public. CBP notes that the 30-day posting time period is more than a week longer than the previous regulatory posting of three weeks for newspaper publication.

Comment: One commenter, agreeing with the proposal's provision to allow CBP discretion to publish notice in a foreign language newspaper when appropriate in the circumstances, recommended that this publication option be included explicitly in the regulatory text.

CBP Response: CBP believes that it is not necessary to include in the regulatory text the foreign language newspaper option or any of the alternative print publication options discussed in the preamble of the NPRM. CBP set forth these options as non-exclusive examples of circumstances that might warrant, at CBP's discretion, additional publication. As there may be other circumstances that recommend, on a case-by-case basis, other print publication options, CBP believes that the regulation need not be explicit in this respect.

Comment: One commenter recommended that known parties-in-interest be notified prior to the 30-day Internet notice period so that they will have adequate time to consult the DOJ forfeiture Web site for information.

CBP Response: Under the current regulation and practice, CBP sends a written seizure and forfeiture notice to known parties-in-interest in advance of the notice's publication in a newspaper. Under the amended regulation, CBP will continue to inform known parties-in-interest prior to a notice's publication on the Internet. The direct written notice to all known parties-in-interest provides these parties with the information they need to respond, including information about the seized merchandise and the place of seizure, alternative courses of action from which to choose, relevant information with which to make an informed decision, direction to the DOJ forfeiture Web site and the dates of publication of the notice on the Web site and, if print publication is appropriate, the name of the publication that will publish the notice and the dates of the print publication.

Comment: Three commenters, including newspaper industry representatives, expressed concern that the absence of notice in a local newspaper would disadvantage people who would not know to consult a Federal Government Web site. (Other comments by the newspaper industry are discussed in more detail further below.) One of these commenters recommended, in regard to seizures of higher-valued merchandise, that CBP post the notice at the customhouse or the U.S. Border Patrol sector office as a measure to alleviate the absence of local newspaper notice.

CBP Response: CBP does not believe that the change to Internet publishing will significantly disadvantage people living in the locality of the seizure (the port district and court jurisdiction nearest the place of seizure). In recent decades, the circulation of printed newspapers has continued to decline. Research by The Pew Research Center estimates that daily circulation of printed newspapers has declined 30%, from 62.3 million in 1990 to 43.4 million in 2010.[2] Additionally, a significant rise in Internet usage has coincided with the decline in newspaper circulation. Since 2003, these trends have accelerated. Statistics from a Department of Commerce report on the subject show that ''an estimated 209 million Americans—about 72% of all adults and children aged three years and older—use the Internet somewhere, whether at home, the workplace, schools, libraries, or a neighbor's house.'' [3] Internet use through libraries

[2] Pew Research Center, *The State of the News Media 2011,* at 8, available at *http://www.stateofthemedia.org/2011/newspapers-essay/data-page-6.*

[3] U.S. Department of Commerce, National Telecommunications and Information

provides the most widespread availability of free regular Internet access to the general public. The American Library Association's Public Library Funds & Technology Access Study (2010–2011) reports that 99.3% of public libraries offer public access to computers and the Internet.[4] According to a study by the University of Washington, a third of Americans 14 years old and older, or about 77 million people, use public library computers.[5]

Thus, CBP believes that in those instances when Internet posting is the sole notice provided, it will be fully adequate to meet substantially the purpose for which administrative seizure and forfeiture notice is intended—to provide, to as many of the public at large as can reasonably be expected to be interested, access to important information regarding seizures and forfeitures of imported merchandise. In addition, Internet publishing provides the potential to reach unknown interested parties outside the local jurisdiction. Given the widespread use of the Internet in our mobile society, CBP believes that this expansion of the seizure and forfeiture notice's reach will enhance the process and yield positive results.

Also, CBP retains the discretion to publish additional notice in print media, including local newspapers, in appropriate circumstances. Non-exclusive examples include when the U.S. Attorney's Office or the local court of jurisdiction recommends such publication or when publication in a foreign language paper or a trade or industry publication is deemed appropriate in a given situation. CBP is not precluded from using print media in other circumstances it deems appropriate to meet a legitimate public outreach purpose that justifies the expense. Further, the bulk of the cost attributable to additional print publication will derive from the highest profile cases (see ''Economic Analysis'' section). This means that notice in most higher-interest seizure/forfeiture cases will likely be published in both Internet and newspaper formats. Thus, collectively, these instances of additional print/newspaper publication in the exercise of CBP discretion will generally reduce the local impact, should there be any, of moving away from routine newspaper publication to routine Internet publication.

In addition, the CBP Web site, which provides general information on seizures and forfeitures, among other things, will provide advance notice of the change to Internet publishing of seizure and forfeiture notices and include a link to the DOJ forfeiture Web site. A person who may not be aware of a government Web site specifically devoted to seizures and forfeitures may think of consulting the CBP Web site for information on this subject, as CBP is widely known as the government agency that administers and enforces laws pertaining to imported merchandise. CBP believes that much of the audience that has for many years consulted the legal notice section of local newspapers to view information on seizures and forfeitures is almost certainly aware of the CBP Web site.

Also, while CBP is not adopting in this final rule the commenter's suggestion to post notice of specific higher-valued seizure/forfeiture cases at the appropriate customhouse or U.S. Border Patrol sector office, CBP will post information at these places, in a conspicuous place accessible to the public, to inform the local public of the DOJ forfeiture Web site and its listing of specific CBP seizure/forfeiture actions, regardless of the value of the seized merchandise. This will provide, in all CBP ports and U.S. Border Patrol sectors, a locally posted source of information relative to the higher-valued seizures, albeit without information specific to individual cases. This posting may additionally reduce the impact of reduced local newspaper publication of seizure and forfeiture notices. Language regarding the placement of this general notice at the customhouses and sector offices has been added to the regulatory text in this final rule.

Further, after publication of this final rule, CBP intends to publish notice for five successive weeks in all newspapers it currently uses for publishing seizure and forfeiture notices in 42 CBP ports, and in newspapers local to 20 U.S. Border Patrol sector offices, to inform the readership of those newspapers that information regarding CBP seizures and forfeitures may be obtained through the DOJ forfeiture Web site on and after January 2, 2013.

Finally, CBP expects that, on the whole, the amended regulation's ''Internet plus'' procedure, as explained above, will be more efficient and productive than the print media-only procedure.

Comments by Newspaper Industry Representatives

The most extensive comments expressing opposition to the proposed rule were submitted collectively by representatives of the newspaper industry.

Initially, it is noted that, in their collective comments, the newspaper industry representatives (hereinafter referred to as the ''newspaper industry'') acknowledged that publishing seizure and forfeiture notices through the Internet would be a positive development that would expand access to more people. The thrust of the newspaper industry's arguments is that Internet publication by itself does not provide adequate notice and should be employed only to supplement newspaper publication for maximum outreach, just as many newspapers have supplemented their print coverage with Internet publication. The specific newspaper industry comments are set forth and responded to in this subsection.

Comment: The representatives of the newspaper industry stated that Internet notice is an inadequate substitute for a printed, fixed newspaper notice. They contended that government Internet Web sites do not have a strong readership and that notice published in a newspaper is more likely to be read than notice published on the DOJ forfeiture Web site. They argued that access to the Internet remains limited, with minority, poor, and senior communities particularly underrepresented as Internet users and the sick, infirm, and residents of rural areas also facing limited access. They contended that Internet publication presents due process concerns for courts, historians, researchers, and archivists, and that, unlike newspapers, Internet publications are difficult to preserve and maintain in updated fashion without sufficient continuous funding. They questioned the ability of DHS to ensure that CBP will be appropriated adequate resources to both maintain use of the DOJ forfeiture Web site and publish notices in a print medium in special circumstances. They pointed to a government-wide initiative to eliminate agency Web sites for budget reasons. They also questioned the proposed rule's conclusion that use of the DOJ forfeiture Web site will be ''virtually cost-free'' and faulted the proposal's failure to consider the cost and resources CBP will need to update, verify, manage, and secure notice information on the DOJ forfeiture Web

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Administration, *Digital Nation—Expanding Internet Usage (Digital Nation),* available at *http://www.ntia.doc.gov/files/ntia/publications/ntia_internet_use_report_february_2011.pdf.*

[4] John Carlo Bertot, *et al., Libraries Connect Communities: Public Library Funding & Technology Access Study 2010–2011 (Libraries Connect Communities),* at 3, available at *http://viewer.zmags.com/publication/857ea9fd.*

[5] Samantha Becker, *et al., Opportunity for All: How the American Public Benefits From Internet Access at U.S. Libraries (Opportunity for All),* at 32, available at *http://impact.ischool.washington.edu/documents/OPP4ALL_FinalReport.pdf.*

site. They pointed out that government Web sites have been attacked and temporarily removed, presenting security and accessibility issues. The newspaper industry concluded by asserting that the proposed regulation leaves substantial doubt about the manner and method of providing notice and creates potential gaps in information that should be available to the public.

CBP Response: Initially, CBP notes that any discussion regarding the effectiveness or reach of CBP's Internet forfeiture notice procedure must be informed by the fact that all known parties with an interest in the seized property will be notified directly in writing, with details of the seizure and forfeiture proceeding clearly explained. This notice will cover most of those, and most often all of those, who will or may be affected by the forfeiture action. Remaining persons the procedure targets for notice are those not known to have an interest or those so known but unable to be located. With CBP's access to import information, and the cooperation of known interested parties, instances when there will be unknown interested parties, or such parties who cannot be located, will be few.

Regarding the newspaper industry's broad claim that Internet publication of forfeiture notices is inadequate, CBP disagrees. During the last decade, the Federal Government and many State governments have been continually gravitating toward more and more Internet publishing of important notices, announcements, and other information. In the Federal sphere, this trend is exemplified by the E-Government Act of 2002 [6] which generally requires and encourages Federal Government agencies to better manage and promote Internet and information technology use to bring about improvements in government operations and customer service. With this and other laws, Congress has demonstrated its interest in making government more efficient and effective through information technology. As discussed above, the growing trend in public sector Internet use was preceded by an explosion of Internet usage by private sector and other non-government entities over the last two decades. Thus, this expanding movement to Internet usage, inside and outside government, underscores the impressive success of the Internet as a medium that serves well the interests and purposes of its users. Contrary to the newspaper industry's expression of ''substantial doubt'' concerning Internet publication of notices, this expanding use of Internet publishing indicates widespread acceptance of the medium, including acceptance by Congress, as an effective communications tool for both public and private purposes.

More specifically, regarding increasing Internet use by Federal Government agencies and, particularly, Internet use in forfeiture actions taken under Federal law, CBP notes Rule G of the *Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions* (the *Supplemental Rules*), a part of the *Federal Rules of Civil Procedure,* which became effective on December 1, 2006. The rule governs civil asset forfeiture actions in the Federal courts. Under Rule G(4)(a)(iv)(C) of the *Supplemental Rules,* the Federal Government may employ the option of providing public notice through the Internet rather than in a newspaper. This rule was adopted for criminal forfeiture cases as well.[7] Thus, the use of Internet publishing for seizure and forfeiture notices has been adopted by the Federal courts. Significantly, the Advisory Committee on Civil Rules that drafted Rule G(4)(a)(iv)(C) acknowledged that the Internet, by its nature, provides far greater access to forfeiture notices than newspapers.[8] In the Advisory Committee Note to Rule G, the Committee stated the following: [9]

> Newspaper publication is not a particularly effective means of notice for most potential claimants. Its traditional use is best defended by want of affordable alternatives. Paragraph [(4)(a)(iv)(C)] of Supplemental Rule G contemplates a government-created internet forfeiture site that would provide a single easily identified means of notice. Such a site would allow much more direct access to notice as to any specific property than [newspaper] publication provides.

With use of the Internet for publication of forfeiture notices firmly established by the Federal courts, DOJ amended its seizure and forfeiture regulations to, among other things, allow Internet publishing of forfeiture notices. The DOJ final rule (77 FR 56093; September 12, 2012), cited the *Supplemental Rules'* Internet publishing provision as a parallel to its amendment and submitted that publication of seizure and forfeiture notices through the DOJ forfeiture Web site provides the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Drug Enforcement Administration, and the Federal Bureau of Investigation with an ''effective and cost-efficient means of providing public notice of thousands of federal civil and criminal judicial forfeiture proceedings'' *(Id.* at 56097). The DOJ reported impressive levels of usage by the public of the DOJ forfeiture Web site for the period the Web site has been publishing these notices (*Id.*). Also, the Centers for Medicare & Medicaid Services (CMS) within the Department of Health and Human Services (HHS) published a rule (76 FR 26342; May 6, 2011) proposing to allow for Internet publishing, through State Web sites, of required public notices announcing changes in methods and standards for setting payment rates. The HHS proposed rule indicated that the States were consulted and convinced CMS that Internet publishing ''will reduce State costs and allow for a more efficient means to notify the public of changes to Medicaid payment methods and standards'' (*Id.* at 26352).[10] (A final rule has not yet been published.)

This pattern of government entities changing to Internet publishing is supportive of CBP's effort to likewise update its seizure and forfeiture notice regulations, as well as its rationale that the Agency can reduce costs while meeting its obligation under applicable law to provide effective notice to the public. In this regard, CBP notes that due process requires only that ''the Government's effort be 'reasonably

[6] Public Law 107–347, 116 Stat. 2899. The E-Government Act of 2002 establishes in the Office of Management and Budget an Office of Electronic Government and imposes responsibilities on various high-level government officials including heads of Federal Government agencies. The Act defines ''electronic Government'' as ''the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to: (A) Enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or (B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation.'' 44 U.S.C. 3601(3). While the Act does not mandate Internet publication of CBP's or other agencies' seizure and forfeiture notices, it evidences the inexorable movement to broader Internet use by the Federal Government under Congressional direction.

[7] According to the DOJ Web site, Rule 32.2(b)(6) of the *Federal Rules of Criminal Procedure,* which became effective on December 1, 2009, incorporated the forfeiture notice procedures of Rule G, including Internet publishing, for criminal judicial forfeitures.

[8] Under the Rules Enabling Act, 28 U.S.C. 2071–2077, the Supreme Court prescribes general rules of practice and procedure for the Federal Courts, and, pursuant to the Act's procedures, advisory committees may be appointed to recommend new and amended procedural rules.

[9] Report of Civil Rules Advisory Committee, 92 (May 17, 2004), available at *http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/reports/CV5-2004.pdf; see also* Fed. R. Civ. P. Supp. R. G Advisory Committee's Note.

[10] While the notice provided for in the HHS–CMS proposed rule is not directly analogous to the CBP seizure/forfeiture notice, as the former process does not involve private property interests and a deadline that can be harmful to a potential claimant if missed, the move to Internet publishing by HHS–CMS supports the view that government publication by Internet posting is cost advantageous, generally effective, and capable of reaching a wide audience.

calculated' to apprise a party of the pendency of the action.'' *Dusenbery* v. *United States,* 534 U.S. 161, 170 (2002) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 315, (1950). This principle applies to direct notice and published notice procedures. *United States* v. *Young,* 421 Fed. Appx. 229, 231, 2011 WL 1206664 (3d Cir. Apr. 11, 2011). CBP believes that publication of forfeiture notices via the Internet, with its widespread and broad availability within and well beyond the limits of the local jurisdiction (site of the seizure), is clearly in compliance with this standard.[11]

Regarding the newspaper industry's claim that certain segments of the public will be disenfranchised if notice is published through the Internet rather than a local newspaper, CBP is not convinced that the Internet would be less capable of providing access to forfeiture notices for minorities, senior citizens, the poor, rural residents, prison inmates, the ill and disabled in or outside of hospitals, etc., than would local newspapers. For any group of persons the newspaper industry claims will be disenfranchised, there is insufficient convincing evidence that Internet publication would be a disadvantage with respect to these groups as compared to newspaper publication. Moreover, the due process standard requires a means of notice reasonably calculated to apprise a party of the action; it does not require the most effective means of doing so, maximally tailored to each particular situation. It is reiterated that those targeted by notice through publication are unknown interested parties. CBP believes that Internet publication of forfeiture notices for this purpose constitutes a reasonable effort to provide notice to the general public, including the groups of society raised by the newspaper industry.

Regarding the newspaper industry's comments about costs, CBP iterates that replacing newspaper publishing with Internet publishing will reduce its advertising costs. As noted in its proposal, CBP spent over $1 million in 2010 for advertising notices of seizure and forfeiture in newspapers. In contrast, providing notice through postings on the DOJ forfeiture Web site will cost CBP approximately $25,000 per year (see the ''Economic Analysis'' section). This comparatively minor annual expense justifies the (figurative) description ''virtually cost-free'' and, in any case, represents a very substantial cost reduction. However, upon reexamining its costs, CBP recognizes that there are additional one-time costs to modify government systems that CBP did not include in the proposal's economic analysis. CBP has amended the ''Economic Analysis'' section in this final rule to add $693,000 in up-front costs for the first year. CBP notes that, with these costs, CBP effectively (but not quite) breaks even in the first year the rule is in effect and experiences large savings each subsequent year.

Regarding the newspaper industry's reservations about appropriations and funds to maintain CBP's notice publications through the DOJ forfeiture Web site and, at the same time, its publication of notices in newspapers in special circumstances, CBP is confident that funding will not be a concern, especially given the savings generated by the switch to Internet publishing. There is no basis for supposing that this cost savings will result in budget decisions that undermine CBP's important fundamental policies. Likewise, CBP is not concerned that a government-wide reduction in agency Web sites for budget purposes will result in the government closing down Web sites that are critical to its enforcement mission.

Comment: The newspaper industry asserted that removing CBP seizure and forfeiture notices from newspapers would be against CBP's interest regarding the selling of seized and forfeited merchandise at auction. According to the newspaper industry, the published notices generate interest in the auction, and the absence of these notices would result in fewer bidders.

CBP Response: The procedure for publication of seizure and forfeiture notices and the procedure for conducting auctions of forfeited merchandise are not connected functions. CBP does not publish seizure and forfeiture notices to generate interest in an auction that may or may not take place at a later time and place. (It is noted that the final resolution of the case may render an auction unnecessary.) The notice contains no information about the auction procedure.[12] CBP is not concerned that its ability to auction seized and forfeited merchandise will be compromised and is confident that its auctions will continue to be conducted as successfully as in the past. The changes made in this document will have no effect on auction procedures or the advertising of auctions.

Comment: The newspaper industry asserted that Internet publication lacks four elements that ensure the validity of public notice. The publication must be: independently sourced, capable of being archived, accessible to the public, and verifiable. The newspaper industry claims that Internet publishing does not meet these elements to the disadvantage of the public.

CBP Response: First, CBP notes that these elements are not legal standards that an agency is required to meet under applicable law and regulation. The newspaper industry did not cite to a law or regulation for its proposition. CBP disagrees that notice must be independently sourced (that is, from outside the government) to be effective and reliable. DOJ and the *Federal Rules of Civil Procedure* administered by the Federal courts are in accord. The CBP seizure and forfeiture notice, whether published in the newspaper (currently) or on the DOJ forfeiture Web site (as adopted in this final rule), describes the property seized and the details of the seizure (time, place, reason) and informs a prospective claimant of the procedural options available to resolve the matter, including taking no action or electing either judicial or administrative proceedings. As set forth previously, CBP is satisfied that the published notice meets the requirements of due process whether published in a newspaper or on the DOJ forfeiture Web site. Regarding the archiving of records pertaining to the seizure/forfeiture action and the notice procedure, and verification of such records, CBP is confident that appropriate records will be maintained in accordance with applicable law, regulations, and procedures.[13]

Conclusion

Based on the foregoing analysis of the comments, and CBP's further consideration of the matter, CBP is adopting the proposed amendments as published in the **Federal Register** (77 FR 6527) on February 8, 2012 as final with a change to the regulatory text, as follows. CBP is adding to the regulation that the DOJ forfeiture Web site address will be posted in a conspicuous place available to the public at all customhouses and sector offices. This posting will not provide case-specific

[11] CBP believes that the Internet's ability to provide access to public forfeiture notices is, in this Internet era, much less limiting than that of local print publishing which has long been held to meet standards of due process.

[12] CBP's auctions of forfeited merchandise are handled by the Treasury Executive Office for Asset Forfeiture, an office of the Treasury Department that administers the Treasury Forfeiture Fund. Under applicable procedures, a contractor is hired to take care of the auction and all related advertising.

[13] All records relating to CBP's processing of forfeiture cases will be stored in an official system of records maintained by CBP that meets the requirements of Presidential Circular A–127 (pursuant to the Federal Financial Management Improvement Act of 1996).

information relative to seizures/forfeitures, but will inform any local persons visiting the customhouse or sector office of a means by which one may learn of these actions, including case-specific information. CBP also makes some slight editorial changes to the regulatory text to enhance general readability.

Economic Analysis

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has not been designated a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget. However, CBP has prepared the following analysis to help inform stakeholders of the potential impacts of this final rule's amendments.

This final rule will provide a less costly alternative for publishing notices of seizure and forfeiture for seized property appraised at more than $5,000 in value. The current regulation requires CBP to publish such notices in a local newspaper for at least three successive weeks. Historically, there have been some instances where the cost of advertising exceeds the value of the seized property, and these occurrences have increased as the cost of newspaper advertising has increased.

Under this rule, CBP will publish the great majority of seizure and forfeiture notices for property valued at more than $5,000 (estimated at 90 percent) for 30 consecutive days solely by posting on an existing U.S. Government Web site. In some cases, including at CBP's sole discretion based on the particular circumstances involved or where a court or a U.S. Attorney instructs or recommends, CBP will publish notice via both print (newspaper or other publication) and Internet methods. CBP will use an existing DOJ Web site that lists forfeiture actions by various Federal Government agencies at an approximate cost to CBP of $25,000 per year in system maintenance and contract costs. In addition, CBP and DOJ will need to spend a total of $693,000 in one-time costs to modify their systems as a result of this rule.

In 2010, CBP spent over $1 million advertising more than 6,000 lines of property. Under this rule, CBP will advertise the vast majority of items using the DOJ forfeiture Web site. CBP will advertise a comparatively small number of items both on the Internet and in a traditional newspaper or other publication. Because these items will be the highest profile items, CBP will likely advertise these items in newspapers of large circulation or national newspapers. Such advertising will make up a disproportionate amount of the costs. CBP estimates that it will cost $300,000 to continue to advertise these items in print. Therefore, CBP estimates that advertising on the Internet instead of in print for most items will save approximately $700,000 per year in print advertising costs. The net effect of this change will be a loss to CBP of $18,000 ($700,000 savings − $693,000 one-time system modification costs − $25,000 recurring costs) in the first year and a savings to CBP of $675,000 ($700,000 savings − $25,000 recurring costs) in future years. Over a ten-year period of analysis, this final rule is estimated to save CBP over $4 million at a 7% discount rate.

This rule also provides that CBP will publish seizure and forfeiture notices for seized property appraised at $5,000 or less on the DOJ forfeiture Web site for 30 consecutive days. This change will simply add low-cost Internet publication to the current requirement that CBP post notice at the customhouse or U.S. Border Patrol sector office, as provided in this rule for seized property appraised at $5,000 or less. This change will be virtually costless to the Government and will expand the reach of the seizure and forfeiture notice to the benefit of unknown parties-in-interest and the public.

Finally, under this final rule, CBP will post general information at all customhouses and sector offices, in the conspicuous place that lower-valued seizure and forfeiture notices are posted for public viewing, to inform the public that seizure and forfeiture notices, regardless of the value of the merchandise, will be posted to the DOJ forfeiture Web site. This will be done at de minimis cost to CBP.

Regulatory Flexibility Act

This section examines the impact of the final rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 603), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This final rule moves most notices of seizure and forfeiture valued at more than $5,000 from local print media to a Federal Government forfeiture Web site. It also allows CBP to post notices of seizures and forfeitures valued at $5,000 or less on the forfeiture Web site in addition to posting at the customhouse nearest the place of seizure or the appropriate Border Patrol sector office. This rule does not impose any requirements on the general public or small businesses. As provided under the current procedure, CBP will continue to contact, in writing, any small business that is a known party-in-interest. Because this rule imposes no direct costs on small entities, we believe that this rule does not have a significant economic impact on a substantial number of small entities. Consequently, DHS certifies this rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This final rule does not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more (adjusted for inflation), in the aggregate, to any of the following: State, local, or Native American Tribal governments, or the private sector.

Executive Order 13132

In accordance with the principles and criteria contained in Executive Order 13132 (Federalism), this final rule has no substantial effect on the States, the current Federal-State relationship, or on the current distribution of power and responsibilities among local officials.

Signing Authority

This document is being issued in accordance with 19 CFR 0.1(b)(1).

List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Law enforcement, Seizures and forfeitures.

Amendment to CBP Regulations

For the reasons set forth above, part 162 of title 19 of the Code of Federal Regulations (19 CFR part 162), is amended as set forth below.

PART 162—INSPECTION, SEARCH, AND SEIZURE

■ 1. The general authority citation for part 162 and the specific authority citation for § 162.45 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624; 6 U.S.C. 101; 8 U.S.C. 1324(b).

* * * * *

Section 162.45 also issued under 19 U.S.C. 1607, 1608;

* * * * *

■ 2. In § 162.45, paragraphs (b)(1) and (b)(2) are revised to read as follows:

§ 162.45 Summary forfeiture; Property other than Schedule I and Schedule II controlled substances; Notice of seizure and sale.

* * * * *

(b) *Publication.* (1) If the appraised value of any property in one seizure from one person, other than Schedule I and Schedule II controlled substances (as defined in 21 U.S.C. 802(6) and 812), exceeds $5,000, the notice will be published by its posting on an official Government forfeiture Web site for at least 30 consecutive days. Information pertaining to the Government forfeiture Web site will be posted in a conspicuous place that is accessible to the public at all customhouses and all sector offices of the U.S. Border Patrol. In CBP's sole discretion, and as circumstances warrant, additional publication for at least three successive weeks in a print medium may be provided. All known parties-in-interest will be notified in writing of the Government Web site address and the date of Internet publication (and pertinent information regarding print publication, when appropriate).

(2) In all other cases, except for Schedule I and Schedule II controlled substances (see § 162.45a), the notice will be published by its posting on an official Government forfeiture Web site for at least 30 consecutive days and by its posting for at least three successive weeks in a conspicuous place that is accessible to the public at the customhouse located nearest the place of seizure or the appropriate sector office of the U.S. Border Patrol. All known parties-in-interest will be notified in writing of the Government Web site address and the date of Internet publication (and pertinent information regarding print publication, when appropriate). The posting at the customhouse or sector office will contain the date of on-site posting. Articles of small value of the same class or kind included in two or more seizures will be advertised as one unit.

* * * * *

Dated: January 23, 2013.

Janet Napolitano,

Secretary.

[FR Doc. 2013–01757 Filed 1–28–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–1088]

RIN 1625–AA00

Safety Zone; MODU KULLUK; Sitkalidak Island to Kiliuda Bay, AK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters, from surface to seabed, around the MODU KULLUK currently located near Ocean Bay, Sitkalidak Island, Alaska with anticipated movement into Kiliuda Bay, Alaska. The temporary safety zone will encompass the navigable waters within a one nautical mile radius of the MODU KULLUK while it is aground near Sitkalidak Island and will decrease to encompass the navigable waters within 500 yards of the MODU KULLUK while it is being towed through and anchored within Kiliuda Bay. The purpose of the safety zones is to protect persons and vessels from the inherent dangers of salvage, towing and recovery operations of the MODU KULLUK. This safety zone in effect continues the temporary safety zone that was established immediately following the MODU KULLUK grounding and provides a longer effective period in anticipation of extended salvage efforts and eventual tow to another location.

DATES: This rule is effective with actual notice from January 6, 2013 until January 29, 2013. This rule is effective in the **Federal Register** from January 29, 2013 until March 31, 2013.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0668 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–1088 in the ''Search'' box, and then clicking ''Search.'' This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR John Cashman, U.S. Coast Guard, Seventeenth Coast Guard District; telephone 907–463–2058, *john.d.cashman@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The MODU KULLUK grounded during severe weather in the vicinity of Sitkalidak Island and response, recovery and salvage efforts began immediately. A temporary final rule (USCG–2011–0668) was issued on January 2, 2013 creating a safety zone one nautical mile around the MODU KULLUK. This new temporary final rule is established to cover the anticipated time necessary for salvage operations, the towing of MODU KULLUK to Kiliuda Bay and the operations necessary to assess and repair the vessel.

For similar reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because immediate action is needed to minimize potential danger to the public during the period of time when there will be unusually high vessel traffic engaged in conducting the salvage operations in the vicinity of Ocean Bay, Sitkalidak Island, Alaska and during the tow and recovery of MODU KULLUK in Kiliuda Bay.

B. Basis and Purpose

The MODU KULLUK unexpectedly grounded during severe weather in the vicinity of Sitkalidak Island, Alaska, precipitating a salvage and recovery operation. The Coast Guard believes a safety zone is needed based on the significant number of persons, vessels and activities necessary to conduct salvage of the MODU KULLUK, a non-self-propelled vessel. The salvage operations are expected to involve a large number of vessels, including tow vessels, pollution response vessels and dive vessels. The salvage, tow and recovery operations including towing and anchoring the vessel, assessment and repair is anticipated to take up to 90 days.

A temporary safety zone is needed to ensure vessels engaged in the salvage operation are able to maneuver unimpeded in the vicinity of the MODU KULLUK and to keep other mariners a safe distance from heavy equipment, large vessels, cables, divers and other activities involved in the salvage operations occurring in the vicinity of Ocean Bay and Partition Cove on the South side of Sitkalidak Island near Kodiak Island, Alaska and during the towing, anchoring, assessment and repairs of the MODU KULLUK that will take place within the navigable waters of Kiliuda Bay.

C. Discussion of Final Rule

For the reasons stated above, the Coast Guard is establishing a safety zone in the navigable waters, from surface to seabed, within a one nautical mile radius of the MODU KULLUK while it is aground near Ocean Bay, Sitkalidak Island, and for all navigable waters, from surface to seabed, within 500 yards of the MODU KULLUK at all other times once it is floating free from the seabed, from January 6, 2013 through March 31, 2013. If the salvage and recovery operations are completed, and the safety zone is determined to be no longer necessary, enforcement of the zone will end prior to March 31, 2013.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The rule is not a significant regulatory action due to the minimal impact this will have on standard vessel operations within the vicinity of Sitkalidak Island and Kiliuda Bay during the winter months and it will be enforced for a short duration. The proposed safety zone is designed to allow vessels transiting through the area to safely travel around the MODU KULLUK salvage operation, towing and recovery areas without incurring additional cost or delay.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit through or anchor in the vicinity of Ocean Bay, Sitkalidak Island or within Kiliuda Bay in the vicinity of the MODU KULLUK from January 6, 2013 to March 31, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be effective for a short period of time, enforcement will end once the salvage operations are completed and the zone is limited to the waters within one nautical mile of the MODU KULLUK while aground and within 500 yards of the MODU KULLUK while it is towed or at anchor within Kiliuda Bay. Minimal use of the waterway is expected due to the winter weather conditions.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for the collection of new information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INTFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing regulations for a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0171.1.

■ 2. Add § 165.T17–1088 to read as follows:

§ 165.T17–1088 Safety Zone; MODU KULLUK, Ocean Bay, Sitkalidak Island and Shelikof Strait, Alaska.

(a) *Location.* The following areas are safety zones: All navigable waters, from the surface to the seabed, within one nautical mile of the MODU KULLUK, a large ocean-going drill vessel, while it is aground in the vicinity of Ocean Bay and Partition Cove, Sitkalidak Island, Alaska, in approximate position 57 degrees, 05.4′ N; 153 degrees, 06.1′ W and all navigable waters, from surface to seabed, within 500 yards of the MODU KULLUK, once it is floating free from the seabed including times that it is under tow and at anchor in the vicinity of Kodiak Island and Kiliuda Bay, Alaska.

(b) *Effective date.* The safety zone is effective beginning January 6, 2013, and terminates at 11:59 p.m. on March 31, 2013. Enforcement of this safety zone may end earlier if ordered by the Captain of the Port, Western Alaska.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply to all vessels operating within the areas described in paragraph (a). In addition to the general regulations, the following provisions apply to this safety zone:

(1) All persons and vessels shall comply with the instructions of the Captain of the Port (COTP) or designated on-scene representative, consisting of commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed by the COTP's designated on-scene representative.

(2) Entry into the safety zone is prohibited unless authorized by the COTP or his designated on-scene representative. Any persons desiring to enter the safety zone must contact the designated on-scene representative on VHF channel 16 (156.800 MHz) and receive permission prior to entering.

(3) If permission is granted to transit within the safety zone, all persons and vessels must comply with the instructions of the designated on-scene representative.

(4) The COTP will notify the maritime and general public by marine information broadcast during the period of time that the safety zones are in force including notification that the MODU KULLUK is free from the ocean bottom and the subsequent reduction in size of the safety zone by providing notice in accordance with 33 CFR 165.7.

(d) *Penalties.* Persons and vessels violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: January 6, 2013.

P. Mehler, III,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

[FR Doc. 2013–01794 Filed 1–28–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0648; EPA–R05–OAR–2012–0834; FRL–9773–5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Cincinnati-Hamilton, OH; Ohio and Indiana 1997 8-Hour Ozone Maintenance Plan Revisions to Approved Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the request by Ohio and Indiana to revise the Cincinnati-Hamilton 1997 8-hour ozone maintenance air quality State Implementation Plans (SIPs) to replace the previously approved motor vehicle emissions budgets (budgets) with budgets developed using EPA's Motor

Vehicle Emissions Simulator (MOVES) emissions model. The Ohio and Indiana portions of the Cincinnati-Hamilton area include the Ohio Counties of Butler, Clermont, Clinton, Hamilton and Warren, Ohio, and Lawrenceburg Township in Dearborn County, Indiana. Ohio submitted the SIP revision request to EPA on June 29, 2012. Indiana submitted the SIP revision request for parallel processing in a letter dated October 12, 2012, and followed up with a final submittal on December 11, 2012. Ohio and Indiana have submitted identical budgets which cover the Ohio and Indiana portions of the Cincinnati-Hamilton 1997 ozone maintenance area.

DATES: This direct final rule will be effective April 1, 2013, unless EPA receives adverse comments by February 28, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Nos. EPA–R05–OAR–2012–0648 for Ohio and EPA–R05–OAR–2012–0834 for Indiana, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2012–0648 and EPA–R05–OAR–2012–0834. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

I. What is EPA approving?
II. What is the background for this action?
a. SIP Budgets and Transportation Conformity
b. Prior Approval of Budgets
c. The MOVES Emissions Model and Regional Transportation Conformity Grace Period
d. Submission of New Budgets Based on MOVES2010a
III. What are the criteria for approval?
IV. What is EPA's analysis of the State's submittal?
a. The Revised Inventories
b. Approvability of the MOVES2010a-based Budgets
c. Applicability of MOBILE6.2-based Budgets
V. What action is EPA taking?
VI. Statutory and Executive Order Reviews

I. What is EPA approving?

EPA is approving new MOVES2010a-based budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, Ohio-Kentucky-Indiana, 1997 8-hour ozone maintenance area. The Ohio and Indiana portions of the Cincinnati-Hamilton area were redesignated to attainment of the 1997 8-hour ozone standard effective May 11, 2010 (75 FR 26118), and MOBILE6.2-based budgets were approved in that action. The newly submitted MOVES2010a-based budgets will replace the existing MOBILE6.2-based budgets in the Ohio and Indiana 1997 8-hour ozone maintenance plans and must then be used in future transportation conformity analyses for the area. At that time, the previously approved MOBILE6.2 based budgets would no longer be applicable for transportation conformity purposes.

The Ohio and Indiana portions of the Cincinnati-Hamilton 1997 8-hour ozone maintenance area must use the MOVES2010a-based budgets starting on the effective date of this rulemaking. See the official release of the MOVES2010 emissions model (75 FR 9411–9414, March 2, 2010) for background, and section II.(c) below for details.

II. What is the background for this action?

a. SIP Budgets and Transportation Conformity

Under the Clean Air Act (CAA), states are required to submit, at various times, control strategy SIP revisions and maintenance plans for nonattainment and maintenance areas for a given National Ambient Air Quality Standard (NAAQS). These emission control strategy SIP revisions (e.g., reasonable further progress (RFP) and attainment demonstration SIP revisions) and maintenance plans include budgets of on-road mobile source emissions for criteria pollutants and/or their precursors to address pollution from cars, trucks, and other on-road vehicles. These mobile source SIP budgets are the portions of the total emissions that are allocated to on-road vehicle use that,

together with emissions from other sources in the area, will provide for attainment or maintenance if they are not exceeded. The budget serves as a ceiling on emissions from an area's planned transportation system. For more information about budgets, see the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188).

Under section 176(c) of the CAA, transportation plans, Transportation Improvement Programs (TIPs), and transportation projects must ''conform'' to (i.e., be consistent with) the SIP before they can be adopted or approved. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the NAAQS or delay an interim milestone. The transportation conformity regulations can be found at 40 CFR part 51 subpart T, and part 93.

In general, before budgets can be used in conformity determinations, EPA must affirmatively find the budgets adequate. However, budgets that are replacing approved budgets must be found adequate and approved before budgets can replace older budgets. If the submitted SIP budgets are meant to replace budgets for the same purpose, as is the case with Ohio's and Indiana's MOVES2010a 1997 8-hour ozone maintenance plan budgets, EPA must approve the revised SIP and budgets, and must affirm that they are adequate at the same time. Once EPA approves revised budgets into the SIP, they must be used by state and Federal agencies in determining whether transportation activities conform to the SIP as required by section 176(c) of the CAA. EPA's substantive criteria for determining the adequacy of budgets are set out in 40 CFR 93.118(e)(4).

b. Prior Approval of Budgets

EPA had previously approved budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, 8-hour ozone maintenance area for volatile organic compounds (VOCs) and nitrogen oxides (NO_X) for the year 2015 and 2020 on May 11, 2010 (75 FR 26118). These budgets were based on EPA's MOBILE6.2 emissions model. The ozone maintenance plan established 2015 and 2020 budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, area. The 2015 approved budgets of 31.73 tons per day (tpd) for VOCs and 49.00 tpd for NO_X and the 2020 budgets of 28.82 tpd VOCs and 34.39 tpd NO_X were approved in the May 11, 2010, rulemaking. These budgets demonstrated a reduction in emissions from the monitored attainment year and included a margin of safety.

c. The MOVES Emissions Model and Regional Transportation Conformity Grace Period

The MOVES model is EPA's state of the art tool for estimating highway emissions. The model is based on analyses of millions of emission test results and considerable advances in the agency's understanding of vehicle emissions. MOVES incorporates the latest emissions data, more sophisticated calculation algorithms, increased user flexibility, new software design, and significant new capabilities relative to those reflected in MOBILE6.2.

EPA announced the release of MOVES2010 in March 2010 (75 FR 9411). EPA subsequently released two minor model revisions: MOVES2010a in September 2010 and MOVES2010b in April 2012. Both of these minor revisions enhance model performance and do not significantly affect the criteria pollutant emissions results from MOVES2010. MOVES will be required for new regional emissions analyses for transportation conformity determinations (''regional conformity analyses'') outside of California that begin after March 2, 2013, or when EPA approves MOVES-based budgets, whichever comes first.[1] The MOVES grace period for regional conformity analyses applies to both the use of MOVES2010 and approved minor revisions (e.g., MOVES2010a and MOVES2010b). For more information, see EPA's ''Policy Guidance on the Use of MOVES2010 and Subsequent Minor Model Revisions for State Implementation Plan Development, Transportation Conformity, and Other Purposes'' (April 2012), available online at: *www.epa.gov/otaq/stateresources/transconf/policy.htm#models.*

EPA has encouraged areas to examine how MOVES would affect future transportation plan and TIP conformity determinations so, if necessary, SIPs and budgets could be revised with MOVES or transportation plans and TIPs could be revised (as appropriate) prior to the end of the regional transportation conformity grace period. EPA has also encouraged state and local air agencies to consider how the release of MOVES would affect analyses supporting SIP submissions under development (77 FR 9411, March 2, 2010 and 77 FR 11394, February 27, 2012).

The Ohio, Kentucky, Indiana Regional Council of Governments (OKI), which is the Metropolitan Planning Organization (MPO) for the Cincinnati-Hamilton area, has used MOVES2010a emission rates with the transportation network information to estimate emissions in the years of the transportation plan and also for the SIP. The budgets have been revised using the latest planning assumptions including population and employment updates. In addition, newer vehicle registration data has been used to update the age distribution of the vehicle fleet. Since MOVES2010 (or a minor model revision) will be required for conformity analyses after the grace period ends, OKI has concluded that updating the budgets with MOVES2010a will prepare the area for the transition to using MOVES for conformity analyses and determinations. The interagency consultation group has had extensive consultation on the requirements and need for new budgets.

d. Submission of New Budgets Based on MOVES2010a

On June 29, 2012, Ohio submitted in final replacement budgets based on MOVES2010a that cover the Ohio portion of the Cincinnati-Hamilton area. Ohio received no comments during the public review and comment period. On October 12, 2012, Indiana submitted for parallel processing replacement budgets based on MOVES2010a that cover the Indiana portion of the Cincinnati-Hamilton area. Indiana received no comments during their subsequent public review and comment period. Indiana submitted the final SIP revision request to EPA on December 11, 2012.

The MOVES2010a-based budgets will replace the prior approved MOBILE6.2-based budgets and are for the same years and pollutants/precursors. The new MOVES2010a-based budgets are for the years 2015 and 2020 for both VOCs and NO_X and are detailed in Table 3 of this notice. Ohio and Indiana have also provided total emissions including mobile emissions based on MOVES2010a, for the attainment year of 2005, the 2015 budget year, and the 2020 maintenance year. The safety margin is defined as the reduction in emissions from the base year (in this case the 2005 attainment year) to the final year of the maintenance plan (in this case the 2020 year). The total emissions include point, area, non-road mobile and on-road mobile sources. The

[1] Upon the release of MOVES2010, EPA established a two-year grace period before MOVES is required to be used for regional conformity analyses (75 FR 9411, March 2, 2010). EPA subsequently promulgated a final rule on February 27, 2012 to provide an additional year before MOVES is required for these analyses (77 FR 11394). In this case the grace period ends on March 2, 2013.

available safety margin is shown in Table 1.

TABLE 1—TABLE OF TOTAL EMISSIONS WITH MOVES2010A MOBILE EMISSIONS CINCINNATI-HAMILTON

[Tons per summer day]

Year	2005	2015	2020	Safety Margin
VOC ..	237.77	174.59	162.47	65.39
NO_X ..	389.99	309.41	289.20	38.10

OKI has added only a small portion of the overall safety margin available for NO_X and VOCs to the budgets for 2015 and 2020. The submittal demonstrates how all emissions decline from the attainment year of 2005. In 2005, the total estimated NO_X emissions from all sources (including mobile, point, area, and non-road sources) is 389.99 tpd and the total VOC emissions, for the 2005 attainment year, from all sources is 237.77 tpd. The 2020 estimated emissions for total NO_X from all sources is 289.20 tpd and the total VOC emissions from all sources is 162.47 tpd. This reduction in emissions demonstrates that the area will continue below the attainment level of emissions and maintain the 1997 8-hour ozone standard. The mobile source emissions, when included with point, area, and non-road sources continue to demonstrate maintenance of the attainment level of emissions in the Ohio and Indiana portions of the Cincinnati-Hamilton area.

No additional control measures were needed to maintain the 1997 ozone standard in the Cincinnati-Hamilton area. An appropriate safety margin for NO_X and VOCs was decided by the interagency consultation group (the interagency consultation group as required by the state conformity agreement consists of representatives from the Federal Highway Administration, Ohio Environmental Protection Agency (OEPA), Ohio Department of Transportation, Indiana Department of Transportation, Indiana Department of Environmental Management (IDEM) and EPA). The submitted budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton area are 94.25 tpd for NO_X and 56.06 tpd for VOCs in the year 2015; and 73.13 tpd for NO_X and 42.81 tpd for VOCs in the year 2020 (see Table 3). These budgets will continue to keep emissions in the Cincinnati-Hamilton area below the calculated attainment year of emissions.

III. What are the criteria for approval?

EPA requires that revisions to existing SIPs and budgets continue to meet applicable requirements (e.g., RFP, attainment, or maintenance). States that revise their existing SIPs to include MOVES budgets must therefore show that the SIP continues to meet applicable requirements with the new level of motor vehicle emissions contained in the budgets. The SIP must also meet any applicable SIP requirements under CAA section 110.

In addition, the transportation conformity rule (at 40 CFR 93.118(e)(4)(iv)) requires that ''the budgets, when considered together with all other emissions sources, is consistent with applicable requirements for RFP, attainment, or maintenance (whichever is relevant to the given implementation plan submission).'' This and the other adequacy criteria found at 40 CFR 93.118(e)(4) must be satisfied before EPA can find submitted budgets adequate and approve them for conformity purposes.

In addition, areas can revise their budgets and inventories using MOVES without revising their entire SIP if (1) the SIP continues to meet applicable requirements when the previous motor vehicle emissions inventories are replaced with MOVES base year and milestone, attainment, or maintenance year inventories, and (2) the state can document that growth and control strategy assumptions for non-motor vehicle sources continue to be valid and any minor updates do not change the overall conclusions of the SIP. For example, the first criterion could be satisfied by demonstrating that the emissions reductions between the baseline/attainment year and maintenance year are the same or greater using MOVES than they were previously. The Ohio and Indiana submittals meet this requirement as described below in section IV.

For more information, see EPA's latest ''Policy Guidance on the Use of MOVES2010 for SIP Development, Transportation Conformity, and Other Purposes'' (April 2012), available online at: *www.epa.gov/otaq/stateresources/transconf/policy.htm#models.*

IV. What is EPA's analysis of the state's submittal?

a. The Revised Inventories

The Ohio SIP revision and the Indiana SIP revision requests for the Cincinnati-Hamilton 1997 ozone maintenance plans seek to revise only the on-road mobile source inventories and not the non-road inventories, area source inventories or point source inventories for the 2015 and 2020 years for which the SIP revises the budgets. OEPA and IDEM have certified that the control strategies remain the same as in the original SIP, and that no other control strategies are necessary. This is confirmed by the monitoring data for the Cincinnati-Hamilton area, which continues to monitor attainment for the 1997 8-hour ozone standard. Thus, the current control strategies are continuing to keep the area in attainment of the NAAQS.

EPA has reviewed the emission estimates for point, area, and non-road sources and concluded that no major changes to the projections need to be made. Ohio and Indiana find that growth and control strategy assumptions for non-mobile sources (i.e., area, non-road, and point) have not changed significantly from the original submittal for the years 2005, 2015, and 2020. As a result, the growth and control strategy assumptions for the non-mobile sources for the years 2005, 2015, and 2020 continue to be valid and do not affect the overall conclusions of the plan.

Ohio's and Indiana's submissions confirm that the SIP continues to demonstrate its purpose of maintaining the 1997 ozone standard because the emissions are continuing to decrease from the attainment year to the final year of the maintenance plan. The total emissions in the revised SIP (which includes MOVES2010a emissions from mobile sources) are 389.99 tpd for NO_X and 237.77 tpd for VOCs in the 2005 attainment year. The total emissions from all sources in the 2015 year are 309.41 tpd for NO_X and 174.59 tpd for VOCs. These totals demonstrate that emissions in the Cincinnati-Hamilton area are continuing to decline and remain below the attainment levels.

Ohio and Indiana have submitted MOVES2010a-based budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton area that are clearly identified in the submittals. The on-road budgets for 2015 are 94.25 tpd for NO_X and 56.06 tpd for VOCs. The on-road budgets for 2020 are 73.13 tpd for NO_X and 42.81 tpd for VOCs. The budgets are also displayed in Table 3.

b. Approvability of the MOVES2010a-based Budgets

EPA is approving the MOVES2010a-based budgets submitted by Ohio and Indiana for use in determining transportation conformity in the Ohio and Indiana portions of the Cincinnati-Hamilton 1997 ozone maintenance area. EPA is making this approval based on our evaluation of these budgets using the adequacy criteria found in 40 CFR 93.118(e)(4) and our in-depth evaluation

of the State's submittals and SIP requirements. EPA has determined, based on its evaluation, that the area's maintenance plans would continue to serve its intended purpose with the submitted MOVES2010a-based budgets and that the budgets themselves meet the adequacy criteria in the conformity rule at 40 CFR 93.118(e)(4).

The adequacy criteria found in 40 CFR 93.118(e)(4) are as follows:

- The submitted SIP was endorsed by [the Governor/Governor's designee] and was subject to a state public hearing (§ 93.118(e)(4)(i));
- Before the control strategy implementation plan was submitted to EPA, consultation among Federal, state, and local agencies occurred, and the state fully documented the submittal (§ 93.118(e)(4)(ii));
- The budgets are clearly identified and precisely quantified (§ 93.118(e)(4)(iii));
- The budgets, when considered together with all other emissions sources, are consistent with applicable requirements for RFP, attainment, or maintenance (§ 93.118(e)(4)(iv));
- The budgets are consistent with and clearly related to the emissions inventory and control measures in the control strategy implementation plan (§ 93.118(e)(4)(v); and
- The revisions explain and document changes to the previous budgets, impacts on point and area source emissions and changes to established safety margins and reasons for the changes (including the basis for any changes related to emission factors or vehicle miles traveled) (§ 93.118(e)(4)(vi).

We find that Ohio and Indiana have met all of the adequacy criteria. Public hearing materials were submitted with the formal SIP revision request. The interagency consultation group, which is composed of the state air agencies, state departments of transportation, Federal Highway Administration, EPA, and the MPO for the area, has discussed and reviewed the budgets developed with MOVES2010a and the safety margin allocation. The budgets are clearly identified and precisely quantified in the submittals. The budgets when considered with other emissions sources (point, area, non-road) are consistent with continued maintenance of the 1997 ozone standard. The budgets are clearly related to the emissions inventory and control measures in the SIP. The changes from the previous budgets are clearly explained with the change in the model from MOBILE6.2 to MOVES2010a and the revised and updated planning assumptions. The inputs to the model are detailed in the Appendix to the submittal. EPA has reviewed the inputs to the MOVES2010a modeling and participated in the consultation process. The Federal Highway Administration and the Ohio and Indiana Departments of Transportation have taken a lead role in working with the MPO to provide accurate, timely information and inputs to the MOVES2010a model runs. The OKI network model provided the vehicle miles of travel and other necessary data from the travel demand network model.

The CAA requires that revisions to existing SIPs and budgets continue to meet applicable requirements (in this case, maintenance). Therefore, states that revise existing SIPs with MOVES must show that the SIP continues to meet applicable requirements with the new level of motor vehicle emissions calculated by the new model.

To that end, Ohio's and Indiana's submitted MOVES2010a based budgets meet EPA's two criteria for revising budgets without revising the entire SIP:

(1) The SIP continues to meet applicable requirements when the previous motor vehicle emissions inventories are replaced with MOVES2010a base year and milestone, attainment, or maintenance year inventories, and

(2) The state can document that growth and control strategy assumptions for non-motor vehicle sources continue to be valid and any minor updates do not change the overall conclusions of the SIP.

Indiana and Ohio have documented that growth and control strategy assumptions continue to be valid and do not change the overall conclusions of the maintenance plan. The emission estimates for point, area, and non-road sources have not changed. Indiana and Ohio find that growth and control strategy assumptions for non-mobile sources (i.e. area, non-road, and point) from the original submittal for the years 2005, 2015, and 2020 were developed before the downturn in the economy over the last several years. Because of this, the factors included in the original submittal may project more growth than actual into the future. As a result, the growth and control strategy assumptions for the non-mobile sources for the years 2005, 2015, and 2020 continue to be valid and do not affect the overall conclusions of the plan.

Ohio's and Indiana's submissions confirm that the SIP continues to demonstrate its purpose of maintaining the 1997 ozone standard because the emissions are continuing to decrease from the attainment year to the final year of the maintenance plan. The total emissions in the revised SIP (which includes MOVES2010a emissions for mobile sources) decrease from the 2005 attainment year to the year 2020 (the last year of the maintenance plan). These totals demonstrate that emissions in the Cincinnati-Hamilton area are continuing to decline and remain below the attainment levels. Table 2 displays total emissions in the Ohio and Indiana portions of the Cincinnati-Hamilton area including point, area, non-road, and mobile sources and demonstrates the declining emissions from the 2005 attainment year.

TABLE 2—TABLE OF TOTAL EMISSIONS WITH MOVES2010A MOBILE EMISSIONS

[Tons per summer day]

Year	2005	2015	2020
VOC	237.77	174.59	162.47
NO_X	389.99	309.41	289.20

The following table (Table 3) displays the submitted budgets (Ohio and Indiana submitted budgets that cover both the Ohio and Indiana portions of the area) that are proposed in the notice to be approved. The budgets include an appropriate margin of safety while still maintaining total emissions below the attainment level.

TABLE 3—TABLE OF MOTOR VEHICLE EMISSION BUDGETS (MOVES) FOR THE OHIO AND INDIANA PORTIONS OF THE CINCINNATI-HAMILTON 1997 OZONE AREA

[Tons per summer day]

Year	2015	2020
VOC	56.06	42.81
NO_X	94.25	73.13

Based on our review of the SIPs and the new budgets provided, EPA has determined that the SIPs will continue to meet the requirements if the revised motor vehicle emissions inventories are replaced with MOVES2010a inventories.

c. Applicability of MOBILE6.2-based Budgets

Pursuant to the state's requests, EPA's approval of the revised budgets means that the existing MOBILE6.2-based budgets will no longer be applicable for transportation conformity purposes upon the effective date of this approval.

In addition, upon this EPA approval of the MOVES2010a-based budgets, the regional transportation conformity grace period for using MOBILE6 instead of MOVES2010 (and subsequent minor

revisions) for the pollutants included in these budgets ends for the Ohio and Indiana portions of the Cincinnati-Hamilton ozone maintenance area.[2]

V. What action is EPA taking?

EPA is approving the 2015 and 2020 submitted budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton 1997 ozone maintenance plans. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective April 1, 2013 without further notice unless we receive relevant adverse written comments by February 28, 2013. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective April 1, 2013.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: January 11, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. The table in § 52.770 paragraph (e) is amended by adding an entry in alphabetical order for ''Cincinnati-Hamilton, OH–KY–IN 1997 8-hour ozone maintenance plan'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(e) * * *

[2] For more information, see EPA's ''Policy Guidance on the Use of MOVES2010 and Subsequent Minor Revisions for State Implementation Plan Development, Transportation Conformity, and Other Purposes'' (April 2012).

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA Approval	Explanation
* *	*	* *	* *
Cincinnati-Hamilton, OH–KY–IN 1997 8-hour ozone maintenance plan.	.....	1/29/12, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	Revision to motor vehicle emission budgets.
* *	*	* *	* *

■ 3. Section 52.777 is amended by redesignating paragraph (oo) as paragraph (oo)(1) and by adding paragraph (oo)(2) to read as follows:

§ 52.777 Control strategy: photochemical oxidants (hydrocarbons).

* * * * *

(oo)(1) * * *

(2) Approval—On December 11, 2012, Indiana submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Indiana portion of the Cincinnati-Hamilton, OH–KY–IN maintenance area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 motor vehicle emissions budgets for the Ohio and Indiana portions are 56.06 tpd VOC and 94.25 tpd NO_X. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 42.81 tpd VOC and 73.13 tpd for NO_X.

■ 4. Section 52.1885 is amended by adding paragraph (ff)(12) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(ff) * * *

(12) Approval—On June 29, 2012, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Ohio and Indiana portions of the Cincinnati-Hamilton, OH–KY–IN 8-hour ozone area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2015 motor vehicle emissions budgets for the Ohio and Indiana portions are 56.06 tpd VOC and 94.25 tpd NO_X. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 42.81 tpd VOC and 73.13 tpd for NO_X.

* * * * *

[FR Doc. 2013–01733 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 78, No. 19
Tuesday, January 29, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 911

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1214

RIN 2590–AA06

Availability of Non-Public Information

AGENCIES: Federal Housing Finance Board; Federal Housing Finance Agency.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: The Federal Housing Finance Agency (FHFA or Agency) proposes to adopt a rule governing the disclosure of FHFA non-public information. The proposed rule would replace rules issued by FHFA's predecessor agencies the Federal Housing Finance Board (Finance Board) and the Office of Federal Housing Enterprise Oversight (OFHEO). The proposed rule would prohibit the unauthorized disclosure of FHFA non-public information, replace the Finance Board's rule on the Availability of Unpublished Information, and parallel those portions of OFHEO's former rule on non-public information that were not replaced by FHFA's Freedom of Information Act regulation.

DATES: Written comments must be received on or before April 1, 2013.

ADDRESSES: You may submit your comments, identified by Regulatory Information Number (RIN) 2590–AA06, by any of the following methods:

- *Email:* Comments to Alfred M. Pollard, General Counsel, may be sent by email to *RegComments@fhfa.gov.* Please include Comments/RIN 2590–AA06 in the message's subject line.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the Agency. Please include Comments/RIN 2590–AA06 in the subject line of the message.
- *Courier/Hand Delivery:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA06, Federal Housing Finance Agency, 400 Seventh Street SW., Eighth Floor, Washington, DC 20024. The package should be logged in at the Guard's Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA06, Federal Housing Finance Agency, 400 Seventh Street SW., Eighth Floor, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: James P. Jordan, Senior Counsel, 202–649–3075 (not a toll-free number), Federal Housing Finance Agency, 400 Seventh Street, SW., Eighth Floor, Washington, DC 20024. The telephone number for the Telecommunications Device for the Hearing Impaired is 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the proposed rule, and will revise the language of the proposed rule as appropriate after taking all comments into consideration. FHFA will accept comments on this proposed rule in writing on or before April 1, 2013. Copies of all comments received will be posted without change on the FHFA web site at *http://www.fhfa.gov,* and will include any personal information you provide, such as your name, address, email address, and telephone number. Copies of all comments received will be made available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency 400 Seventh Street, SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at 202–649–3804.

II. Background

Establishment of FHFA

Effective July 30, 2008, the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, 122 Stat. 2654) (HERA), amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*) (Safety and Soundness Act), and the Federal Home Loan Bank Act (12 U.S.C. 1421–1449) to establish FHFA as an independent regulatory agency of the Federal Government. FHFA was established with all of the authorities necessary to supervise and regulate the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Banks (collectively, regulated entities), and the Office of Finance of the Federal Home Loan Bank System (Office of Finance).

HERA transferred to FHFA the employees, functions, and regulations of OFHEO, the Finance Board, and the Government-Sponsored Enterprise mission team within the U.S. Department of Housing and Urban Development. FHFA is responsible for ensuring that the regulated entities operate in a safe and sound manner, including maintaining adequate capital and internal controls; foster liquid, efficient, competitive, and resilient national housing finance markets; comply with the Safety and Soundness Act and their respective authorizing statutes, as well as all rules, regulations, guidelines, and orders issued under law; and carry out their missions through activities that are authorized by law and are consistent with the public interest. In addition, FHFA may prescribe regulations as determined to be appropriate regarding the conduct of conservatorships or receiverships.

III. Analysis of Proposed Rule

The Safety and Soundness Act mandates that FHFA issue regulations in connection with FHFA's supervision and regulation of the regulated entities and the Office of Finance. The proposed rule updates, clarifies, and simplifies existing regulations and eliminates redundant provisions. It reduces confusion about the applicability of predecessor agencies' rules. The proposed rule is internal and procedural rather than substantive.

FHFA has concluded that this rule would be exempt from the notice and comment requirement under the Administrative Procedure Act, 5 U.S.C. 553, because this rule falls under the agency ''procedure'' exemption described in 5 U.S.C. 553(b)(A).

However, in recognition of the Administrative Conference of the United States Recommendation 92–1, paragraph 2, *The Procedural and Practice Rule Exemption from the APA Notice-and-Comment Rulemaking Requirements,* 57 FR 30,102 (1992), FHFA is voluntarily submitting this rule as a proposed rule to the public for notice and comment with a 60-day comment period following publication. The proposed rule is of a ''housekeeping nature.'' That is, the consolidation and migration of FHFA's predecessor agencies' rules on non-public information involve primarily the agency's management of its own information and minor technical amendments.

The proposed rule would prohibit the unauthorized disclosure of FHFA non-public information, replace the Finance Board's rule on the Availability of Unpublished Information at 12 CFR part 911, and parallel those portions of OFHEO's former rule on non-public information that were not replaced by FHFA's Freedom of Information Act regulation at 12 CFR part 1202. The proposed rule does not affect 12 CFR 1703 Subparts E–F. As described below, FHFA is proposing a separate rule to replace those subparts.

Proposed §§ 1214.3, 1214.4, and 1214.5 are substantively analogous to the former 12 CFR 703.6 to 1703.8 and to the existing 12 CFR 911.3, which the proposed rule would replace. The proposed FHFA rule (12 CFR part 1214), the former OFHEO rule (12 CFR part 1703), and the existing Finance Board rule (12 CFR part 911), all generally prohibit disclosure of non-public agency information to parties that are not agency employees, and set forth the limited circumstances when disclosure is permitted. The Finance Board rule, 12 CFR part 911, also outlines how the Finance Board handled demands and requests for information in the context of legal proceedings. FHFA is separately proposing the ''Production of FHFA Records, Information, and Employee Testimony in Legal Proceedings (''Touhy'') rule which would set forth FHFA's process for handling those demands and requests.

Use of the Term ''Confidential''

The proposed rule would define ''confidential supervisory information,'' to be included as a subset of ''non-public information.'' The inclusion of the term ''confidential'' within the definition of ''confidential supervisory information'' is not intended to invoke the meaning of ''confidential,'' as that term is used in Executive Order No. 13526, 75 FR 707 (2009) (President's order on the classification of National Security Information). Confidential supervisory information is used in part 1214 to refer to the distinct category of information defined in proposed § 1214.1. FHFA used the word ''confidential'' within the label for this category of information simply to be consistent with the manner in which federal banking agencies refer to similar or identical types of information.

Regulatory Impacts

Paperwork Reduction Act

The proposed rule does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act and Executive Order 13272—Consideration of Small Entities

FHFA has considered the proposed rule's impact under the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*) and Executive Order 13272 of August 13, 2002. The proposed rule, if adopted as a final rule, is not likely to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act and Executive Order 13272, because it will not: (1) Impose record-keeping requirements on them; (2) affect their competitive position in relation to large entities; and (3) affect their cash flow, liquidity or ability to remain in the market. (5 U.S.C. 605(b)).

List of Subjects in 12 CFR Part 1214

Administrative practice and procedure, Confidential commercial information, Disclosure, Exemptions, Government employees, Records.

For the reasons set forth in the **SUPPLEMENTARY INFORMATION**, FHFA proposes to: Amend chapters IX and XII of title 12 of the Code of Federal Regulations as follows:

CHAPTER IX—FEDERAL HOUSING FINANCE BOARD

PART 911—[REMOVED]

■ 1. Remove part 911.

CHAPTER XII—FEDERAL HOUSING FINANCE AGENCY

■ 2. Add part 1214 to read as follows:

PART 1214—AVAILABILITY OF NON–PUBLIC INFORMATION

Sec.

1214.1 Definitions.
1214.2 Purpose and scope.
1214.3 General rule.
1214.4 Exceptions.
1214.5 Confidential supervisory information.

Authority: 5 U.S.C. 301, 552; 12 U.S.C. 4501, 4513, 4522, 4526, 4639.

§ 1214.1 Definitions.

Confidential supervisory information means information prepared or received by FHFA that meets all of the following criteria:

(1) The information is not a document prepared by a regulated entity or the Office of Finance for its own business purposes that is in its possession;

(2) The information is exempt from the Freedom of Information Act, 5 U.S.C. 552 (1966); and

(3) The information—

(i) Consists of reports of examination, inspection and visitation, confidential operating and condition reports, and any information derived from, related to, or contained in such reports, or

(ii) Is gathered by FHFA in the course of any investigation, suspicious activity report, cease-and-desist order, civil money penalty enforcement order, suspension, removal or prohibition order, or other supervisory or enforcement orders or actions taken under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, Public Law 102–550 (1992).

Conservatorship or Receivership information means information in FHFA's possession strictly for the purpose of administering the conservatorship or receivership of a regulated entity.

Disclosure means release or divulgence of information by any person to a person outside of FHFA.

FHFA employee means strictly for the purpose of this regulation, any person employed by FHFA, including any current or former officer, intern, agent, contractor or contractor personnel, or detailee of FHFA, and any person employed by the FHFA Office of the Inspector General (FHFA–OIG), including any current or former officer, intern, agent, contractor or contractor personnel, or detailee of FHFA–OIG.

Non-public information means information that FHFA has not made public that is created by, obtained by, or communicated to an FHFA employee in connection with the performance of official duties, regardless of who is in possession of the information. This includes, but is not limited to conservatorship or receivership information and confidential supervisory information as defined above. It does not include information or documents that FHFA has disclosed under the Freedom of Information Act (5 U.S.C. 552; 12 CFR part 1202), or Privacy Act of 1974 (5 U.S.C. 552a; 12

CFR part 1204). It also does not include specific information or documents that were previously disclosed to the public at large or information or documents that are customarily furnished to the public at large in the course of the performance of official FHFA duties, including but not limited to: disclosures made by the Director pursuant to the Enterprise Public Use Database Rule (currently located at 24 CFR subpart F, and any FHFA successor rule); the annual report that FHFA submits to Congress pursuant to the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*), press releases, FHFA blank forms, and materials published in the **Federal Register**.

Person means individual or business entity.

§ 1214.2 Purpose and Scope.

(a) *Purpose.* The purpose of this part is to control the dissemination of non-public information and maintain its controlled, sensitive, privileged, or proprietary nature, as appropriate.

(b) *Scope.* This part imposes a broad-based prohibition against unauthorized disclosure of any non-public information. This part does not supersede the regulations at 12 CFR part 1202 (governing disclosure under the Freedom of Information Act); 12 CFR part 1204 (governing disclosure under the Privacy Act); and the sections describing permitted disclosures in any FHFA rules on Federal home Loan Bank Information Sharing or on the FHFA Public Use Database.

(c) These provisions also do not supersede or otherwise alter the rights or liabilities created by 5 U.S.C. 7211 (governing disclosures to Congress); 5 U.S.C. 2302(b)(8) (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); or 12 U.S.C. 3401 (governing disclosure of financial institution customer information).

§ 1214.3 General Rule.

(a) *In general.* Except as authorized in writing by the Director, no person in possession or control of non-public information may disclose or permit the use or disclosure of such information in any manner or for any purpose.

(b) *Persons possessing non-public information.* All non-public information, for which the Director authorizes disclosure, remains the property of FHFA and may not be used or disclosed for any purpose other than that authorized under this part without the prior written permission of the Director.

(c) *No Waiver.* FHFA's disclosure of non-public information to any person does not constitute a waiver by FHFA of any privilege or FHFA's right to control, supervise, or impose limitations on, the subsequent use and disclosure of the non-public information.

(d) *Penalties.* Any person that discloses or uses non-public information except as authorized under this part may be subject to the penalties provided in 18 U.S.C. 641 and other applicable laws. In addition to those penalties, FHFA, regulated entity, Office of Finance, affiliate (as defined in 12 U.S.C. 4502(20)), or entity-affiliated party (as defined in 12 U.S.C. 4502(11)) employees may be subject to appropriate administrative, enforcement, or disciplinary proceedings.

§ 1214.4 Exceptions.

(a) *FHFA Employees.* Subject to the scope restrictions of § 1214.2, except as authorized by this part, no FHFA employee may disclose or permit the disclosure in any manner of any non-public information to anyone except another FHFA employee or regulated entity or the Office of Finance, when appropriate, for use in the performance of their official duties.

(b) *Regulated Entity Agents and Consultants.*—(1) When necessary and appropriate for regulated entity or Office of Finance business purposes, a regulated entity, the Office of Finance, or any director, officer, or employee thereof may disclose non-public information to any person officially connected with a regulated entity or the Office of Finance, as officer, director, employee, attorney, auditor, or independent auditor (''regulated entity agents'').

(2) A regulated entity, the Office of Finance, or a director, officer, employee, or agent thereof, also may disclose non-public information to a consultant under this paragraph if the consultant is under a written contract to provide services to the regulated entity or the Office of Finance and the consultant has agreed in writing:

(i) To abide by the prohibition on the disclosure of non-public information contained in this section; and

(ii) That it will not use the non-public information for any purposes other than those stated in its contract to provide services to the regulated entity or the Office of Finance.

(c) *Law Enforcement Proceedings.* Notwithstanding the general prohibition of disclosure of non-public information, to the minimum extent required by the Inspector General Act, Public Law 95–452 (1978), FHFA's Office of Inspector General is permitted under this section to disclose non-public FHFA information without Director approval.

(d) *Privilege.* FHFA retains all privilege claims for non-public information shared under § 1214.4, including, but not limited to attorney-client, attorney-work product, deliberative process, and examination privileges.

§ 1214.5 Confidential Supervisory Information.

(a) *General.* Confidential supervisory information may be disclosed only in accordance with this part. Confidential supervisory information is the property of FHFA and any unauthorized use or disclosure of such information may be subject to the penalties identified in § 1214.3(d).

(b) *Regulated Entities and Office of Finance.* The Director makes available to each regulated entity a copy of FHFA's report of examination of that regulated entity. The report of examination and all other confidential supervisory information is the property of FHFA and is provided to the regulated entity for its confidential internal use only. Under no circumstance shall a regulated entity or any director, officer, employee, regulated entity agent, or consultant, make public or disclose, in any manner, the report of examination, other confidential supervisory information, or any portion of the contents thereof to any individual or organization which is not a director, officer, employee, attorney, auditor, or independent auditor of the regulated entity; or, in the case of the Federal Home Loan Banks, the Office of Finance. Any other disclosure or use of confidential supervisory information, except as expressly permitted by the Director, may be subject to the penalties of 18 U.S.C. 641 and such administrative enforcement actions as may be appropriate.

(c) *Privilege.* FHFA retains all privilege claims for non-public information disclosed by FHFA under this section, including, but not limited to attorney-client, attorney-work product, deliberative process, and examination privileges.

Dated: January 17, 2013.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2013–01427 Filed 1–28–13; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1260

RIN 2590–AA35

Information Sharing Among Federal Home Loan Banks

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: Section 1207 of the Housing and Economic Recovery Act of 2008 (HERA) amended the Federal Home Loan Bank Act (Bank Act) to require the Federal Housing Finance Agency (FHFA) to make available to each Federal Home Loan Bank (Bank) information relating to the financial condition of all other Banks. Section 1207 also requires FHFA to promulgate regulations to facilitate the sharing of such information among the Banks. FHFA published a proposed rule to implement those HERA provisions in late 2010, but, after reviewing the comments and reconsidering the proposed means of information sharing, FHFA has determined that a number of material changes to the rule are necessary. Therefore, it is publishing this second proposed rule to implement the provisions of section 1207.

DATES: Written comments must be received on or before April 1, 2013.

ADDRESSES: You may submit your comments, identified by regulatory information number (RIN) 2590–AA35, by any of the following methods:

- *Email:* Comments to Alfred M. Pollard, General Counsel may be sent by email to *RegComments@fhfa.gov.* Please include ''RIN 2590–AA35'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by FHFA. Please include ''RIN 2590–AA35'' in the subject line of the message.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA35, Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024.
- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA35, Federal Housing Finance Agency, Eighth Floor, 400 7th Street SW., Washington, DC 20024. The package should be logged at the FHFA Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Eric M. Raudenbush, Assistant General Counsel, Office of General Counsel, *Eric.Raudenbush@fhfa.gov,* (202) 649–3084 (this is not a toll-free number); or Amy Bogdon, Associate Director for Regulatory Policy and Programs, Office of Program Support, Division of Bank Regulation, *Amy.Bogdon@fhfa.gov,* (202) 649–3320 (this is not a toll-free number), Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the proposed rule and will take all comments into consideration before issuing the final rule. All comments received will be posted without change on the FHFA web site at *http://www.fhfa.gov,* and will include any personal information provided, such as name, address (mailing and email), and telephone numbers. In addition, copies of all comments received will be available without change for public inspection on business days between the hours of 10:00 a.m. and 3:00 p.m., at the Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

II. Background

A. The Federal Home Loan Bank System

The Federal Home Loan Bank System (Bank System) consists of twelve Banks and the Office of Finance (OF). The Banks are wholesale financial institutions organized under the Bank Act.[1] The Banks are cooperatives; only members of a Bank may purchase its capital stock, and only members or certain eligible housing associates (such as state housing finance agencies) may obtain access to secured loans, known as advances, or other products provided by a Bank.[2] Each Bank is managed by its own board of directors and serves the public interest by enhancing the availability of residential mortgage and community lending credit through its member institutions.[3] Any eligible institution (generally a federally insured depository institution or state-regulated insurance company) may become a member of a Bank if it satisfies certain criteria and purchases a specified amount of the Bank's capital stock.[4]

B. Banks' Joint and Several Liability and Disclosure Requirements on COs

The Banks fund their operations principally through the issuance of consolidated obligations (COs), which are debt instruments issued on behalf of the Banks by the OF, a joint office of the Banks, pursuant to section 11 of the Bank Act,[5] and part 1270 of the regulations of FHFA.[6] Under these regulations, the COs may be issued only through OF as agent for the Banks, and the Banks are jointly and severally liable for the timely payment of principal and interest on all COs when due.[7] Accordingly, even when COs are issued with one Bank being the primary obligor, the ultimate liability for the timely payment of principal and interest thereon remains with all of the Banks collectively, which creates a need for each Bank to be able to assess the financial condition of the other Banks.

Although the COs themselves are not registered securities under the federal securities laws, the Federal Housing Finance Board (Finance Board)[8] adopted regulations in 2004 requiring each Bank to register a class of its common stock (which is issued only to its member institutions) with the Securities and Exchange Commission (SEC) under section 12(g) of the Securities Exchange Act of 1934 (1934 Act).[9] Each Bank subsequently registered a class of its common stock with the SEC in compliance with that regulation. Separately, HERA included a provision requiring the Banks to register their common stock under section 12(g) of the 1934 Act, and to maintain that registration.[10] Accordingly, each Bank remains subject to the periodic disclosure requirements established

[1] *See* 12 U.S.C. 1423, 1432(a).

[2] *See* 12 U.S.C. 1426(a)(4), 1430(a), 1430b.

[3] *See* 12 U.S.C. 1427.

[4] *See* 12 U.S.C. 1424; 12 CFR part 1263.

[5] 12 U.S.C. 1431.

[6] 12 CFR part 1270.

[7] *See* 12 CFR 1270.4(a), 1270.10(a).

[8] The Federal Housing Finance Board was the regulator of the Bank System from 1989 through 2008. HERA, which abolished the Finance Board and established FHFA, provides that all regulations of the Finance Board shall remain in effect and shall be enforceable by the Director of FHFA until modified, terminated, set aside or superseded by the Director. *See* Public Law 110–289, § 1312, 122 Stat. 2798 (2008).

[9] 15 U.S.C. 78*l*(g). *See* 69 FR 38811 (June 29, 2004), *codified at* 12 CFR part 998.

[10] *See* 15 U.S.C. 78oo(b).

under the 1934 Act, as interpreted and administered by the SEC.

C. New Statutory Provision Requiring the Sharing of Bank Information

Section 1207 of HERA added a new section 20A to the Bank Act that requires FHFA to make available to each Bank such reports, records, or other information as may be available, relating to the condition of any other Bank in order to enable each Bank to evaluate the financial condition of the other Banks and the Bank System as a whole.[11] The underlying objective for that requirement is to better enable each Bank to assess the likelihood that it may be required to make payments on behalf of another Bank under its joint and several liability on the COs, as well as to comply with disclosure obligations under the 1934 Act regarding its potential joint and several liability.[12] Section 20A further requires FHFA to promulgate regulations to facilitate the sharing of such financial information among the Banks.[13] Section 20A permits a Bank to request that FHFA determine that particular information that may otherwise be made available is ''proprietary'' (a term that is not defined in the Bank Act) and that the public interest requires that such information not be shared.[14] Finally, section 20A provides that it does not affect the obligations of the Banks under the 1934 Act and related regulations of the SEC, and that the sharing of Bank information thereunder shall not cause FHFA to waive any privilege applicable to the shared information.[15]

D. The First Proposed Rule

On September 30, 2010, FHFA published in the **Federal Register** a proposed rule to implement section 20A of the Bank Act by adding to FHFA's regulations a new part 1260 to govern the sharing of information among the Banks and the OF. Under the proposed rule, FHFA also proposed to move to new part 1260, without substantive change, existing regulations of the Finance Board relating to the filing of regulatory reports by the Banks. The 60-day comment period closed on November 29, 2010.[16]

Under the first proposed rule, FHFA would have routinely distributed each Bank's report of examination (or such portions thereof deemed appropriate by FHFA), as well as any other supervisory report that FHFA presented to a Bank's board of directors, to each of the other Banks and the OF. This distribution would have occurred after affording the subject Bank a ten business day period following the presentation of the report to the Bank's board of directors within which to request that particular information contained in the report be withheld from distribution on the basis that it is proprietary and the public interest requires that it not be shared. The proposed rule would have provided that any sharing of information thereunder would not constitute a waiver by FHFA of any privileges with respect to the shared information and that, to the extent that the shared information qualified as ''unpublished information'' under part 911 of the regulations of the Finance Board, it would continue to qualify as such and would continue to be subject to the restrictions on disclosure set forth in part 911.[17]

FHFA received ten comment letters in response to the first proposed rule, all of which were sent by representatives of individual Banks—specifically, the Atlanta, Chicago, Dallas, Des Moines, Indianapolis, New York, Pittsburgh, San Francisco, Seattle, and Topeka Banks. Seven of the commenters expressed general support for the rule, although several of those expressed concerns about possible disclosure of sensitive or confidential information that may be contained in Banks' reports of examination and several provided a number of recommendations regarding other changes and clarifications to be made in the final rule. The three remaining commenters expressed general opposition to the first proposed rule as written because they believed that the types of information proposed to be distributed thereunder—*i.e.,* the Banks' reports of examination and other supervisory reports presented to a Bank's board of directors—would not serve the purposes underlying section 20A of the Bank Act. These commenters suggested alternative categories of financial information to be disseminated by FHFA (which are discussed in more detail below) that they asserted would better fulfill the intent behind section 20A, but did not otherwise comment on specific aspects of the first proposed rule.

III. The Second Proposed Rule

Following the close of the comment period on the first proposed rule, FHFA reviewed all of the comments received and also analyzed more closely a number of issues underlying the rule, including the scope of information to be shared and how that scope might evolve over time. As a result of this analysis, FHFA concluded that the scope of information to be shared under the rule should be broader than that contemplated in the first proposed rule and that, because of frequent changes in the content and format of reports, analyses and databases that FHFA might distribute or make available under the rule, the precise items to be shared should be established by order of the Director of FHFA or his designee, as opposed to being enshrined in the rule text. The agency believes that these changes represent a significant enough departure from the approach taken in the first proposed rule to warrant the publication of this second proposed rule, which supersedes the first proposed rule.

Under the new approach, the regulatory text of the proposed rule continues to address the procedures through which the information sharing is to be carried out and to set forth requirements intended to prevent or limit the disclosure of shared information to outside parties. With respect to the latter issue, FHFA has made a number of additions and changes in response to comments received. Specific comments, FHFA's responses, and differences between the first and second proposed rules are described in greater detail below in the sections describing the relevant rule provisions. In addition, the specific items that FHFA expects to distribute pursuant to the initial order issued by the Director or his designee under the rule are also discussed in detail.

In addition to a number of substantive differences, this second proposed rule is also organized somewhat differently than the first proposal. Under the first proposed rule, the material currently contained in section 914.2 of the regulations of the Finance Board (which requires each Bank to file regulatory reports as required by its regulator), as well as related definitions set forth in section 914.1, would have been transferred to new part 1260 without substantive change.[18] FHFA is no longer proposing to transfer this material to part 1260 because the agency now contemplates that it will separately adopt an equivalent regulatory provision that would be applicable to all of its regulated entities.[19] Because part 1260 (and subchapter D of chapter XII, of which it is a part) is intended to

[11] *See* 12 U.S.C. 1440a.

[12] *See* 12 U.S.C. 1440a(a).

[13] *See* 12 U.S.C. 1440a(b)(1).

[14] *See* 12 U.S.C. 1440a(b)(2).

[15] *See* 12 U.S.C. 1440a(c), (d).

[16] *See* 75 FR 60347 (Sept. 30, 2010).

[17] *See* 12 CFR part 911.

[18] *See* 12 CFR part 914.

[19] In addition to the Banks, FHFA is also the regulator of Fannie Mae and Freddie Mac. *See* 12 U.S.C. 4502(20), 4511.

apply only to the Banks, the agency determined that it is not an appropriate location for that new provision. Also, in the first proposed rule, all of the new material governing the sharing of information among Banks (other than definitions) was contained in a single CFR section. In this second proposed rule, that substantive material has been broken into four separate CFR sections in order to provide greater clarity.

A. Section 1260.1—Definitions

As in the first proposed rule, § 1260.1 of this proposed rule sets forth definitions of terms to be used in part 1260. Because the material that would have been transferred from part 914 of the Finance Board's regulations under the first proposed rule is not included in this proposed rule, the defined terms relating to that material have been removed from proposed § 1260.1. In addition, definitions of the short forms ''Bank'' (for a Federal Home Loan Bank), ''Bank Act'' (for the Federal Home Loan Bank Act), and FHFA (for the Federal Housing Finance Agency) have been removed because those terms are now defined in 12 CFR 1201.1, which sets forth definitions of basic terms that are used throughout FHFA's regulations.[20] Section 1201.1 also defines the terms ''SEC'' (meaning the United States Securities and Exchange Commission) and ''1934 Act'' (meaning the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*)), which are used in this proposed rule, but which were not used in the first proposed rule.

In this second proposed rule, FHFA has added definitions for the terms ''proprietary information'' (which is discussed below) and ''unpublished information'' (cross-referencing the definition for that term set forth in 12 CFR 911.1). None of the commenters addressed the definitions set forth in the first proposed rule.

B. Section 1260.2—Sharing of Information Among the Banks

Reasoning Behind Revised Approach

Section 1260.3(a) of the first proposed rule would have required that FHFA periodically distribute to each Bank and to the OF the final reports of examination (or such portions thereof that FHFA deemed appropriate) of all other Banks, as well as any other supervisory reports that FHFA presented to the board of directors of a Bank, subject to the requirements set forth in the remainder of the rule. In the first proposed rule, the agency also requested comments on whether the rule should allow the Director or his designee to expand the categories of information to be distributed thereunder by means of an order or other agency action without the need for subsequent amendment of the rule.

Seven commenters expressly supported the sharing of final reports of examination for each Bank, and six also expressly supported the sharing of other supervisory reports presented to a Bank's board of directors by FHFA. Five commenters expressly supported the exclusion of findings and conclusions memoranda, work programs and other supervisory materials not presented to a Bank's board of directors from the information sharing required under the rule, while no commenters favored sharing these types of materials. Several of the commenters who generally supported the sharing of final supervisory reports requested that FHFA also distribute any response from a Bank's management to a report of examination, stating that this would provide insight into how other Banks address the issues raised. All of the commenters who supported the sharing of final reports of examination also expressed concern about the possible disclosure of sensitive or confidential information that may be contained in the reports and offered a number of suggestions about how such disclosure could be prevented. As discussed further below, three of the commenters generally opposed the sharing of final reports of examination because they believed the reports would be of questionable usefulness in assessing a Bank's current and future ability to make payments on its COs.

As stated in the **SUPPLEMENTARY INFORMATION** to the first proposed rule, each Bank already has access to a significant amount of information about the financial condition of the other Banks, including reports filed with the SEC under the 1934 Act, call reports filed with FHFA, quarterly certifications filed with FHFA attesting to each Bank's ability to make full and timely payments on its current obligations during the next quarter, FHFA's Annual Report to Congress (required under 12 U.S.C. 4521(a)), and various other reports and summaries prepared by FHFA. FHFA approached the first proposed rule principally as a means of providing for the distribution of additional types of Bank information above and beyond the substantial amount of information to which the Banks already have access. As reflected in the first proposed rule, the agency believed that, given the volume of information that is already available to the Banks, the most useful source of additional information would be the Banks' reports of examination. Thus, the first proposed rule focused upon providing each Bank's full report of examination to all of the other Banks, with appropriate redactions for proprietary information meeting the criteria stated in section 20A of the Bank Act.

In the process of developing a final rule, FHFA reconsidered both the procedural and substantive aspects of the first proposed rule and, based on both comments received and on internal discussions, ultimately concluded that two major changes were warranted that would improve on the substance of the first proposed rule. First, FHFA concluded that the specific categories of information to be distributed under the regulation should not be identified in the rule itself, but by means of a Director's order. Second, FHFA concluded that such an order should address not only new categories of information to be shared, but also the many types of Bank-related financial data and reports that FHFA already distributes, or makes available, to the Banks. Accordingly, § 1260.2 of this proposed rule provides that the specific categories of information to be distributed to the Banks and the OF would be established by means of an order issued by the Director of FHFA or by a senior agency official designated by the Director pursuant to an appropriate delegation of authority. In keeping with the apparent intent behind section 20A of the Bank Act, the categories of information that could be included in such an order would be limited to financial and supervisory information regarding the Banks, either individually or collectively.

FHFA believes that, on balance, this approach will better fulfill the purposes of section 20A by allowing the scope of information shared to evolve more readily to meet the information needs of the Banks. Depending on the types of financial and supervisory issues that the Bank System may be facing at any given time, FHFA may occasionally prepare a single report on a specific topic, or may prepare a particular report for a limited period of time and then, for various reasons, either discontinue the report or combine it with another report. Even reports that are prepared regularly over an extended period of time often evolve in terms of format, content or title—again, sometimes in response to the changing issues that the Bank System may be facing, or sometimes merely to make them more useful for the purposes for which they were intended. This flexible approach to the preparation and

[20] *See* 78 Fed. Reg. 2319 (Jan. 11, 2013). New § 1201.1 and related revisions to FHFA's regulations and those of the Finance Board become effective on February 11, 2013.

distribution of Bank information has worked well to this point, and FHFA believes that it would be appropriate to incorporate that approach into this proposed information sharing regulation, rather than to continue with the original approach of specifying the items of shared information in the regulatory text. FHFA believes that to impose upon itself the obligation to undertake a full notice-and-comment rulemaking every time it seeks to alter the format or content of a report, or determine that it is appropriate to share a new category of information, would undermine its ability to provide the Banks with the type of appropriate and timely financial information that section 20A requires to be shared.

In the **SUPPLEMENTARY INFORMATION** to the first proposed rule, FHFA requested comment on whether the final rule should allow FHFA to expand the categories of information to be disseminated to the Banks without undertaking a subsequent rulemaking. Three commenters expressly supported allowing FHFA to expand the categories of information to be shared without a rulemaking, as long as the Banks are given a reasonable opportunity for informal review and comment on any changes in advance. No commenters objected to including such a provision.

FHFA recognizes that there are advantages to allowing the Banks an informal opportunity to provide input on the types of information that would be most useful to them and also on the types of information that they believe should not be disclosed to other Banks. To this end, § 1260.2 of this proposed rule would require that FHFA provide the Banks with reasonable notice and an opportunity to comment before issuing an order that would establish or amend the scope of information to be shared under the rule. The inclusion of this provision will allow FHFA, in consultation with the Banks, to make appropriate adjustments to the scope of information being shared as both gain more experience in the process, without the necessity of revising the rule. Thus, if it becomes apparent over time that it is appropriate to distribute a wider range of information, this can be accomplished by means of a written order issued under § 1260.2.

In order to provide the Banks and the OF, as well as other interested parties, the fullest opportunity to consider and comment upon the range of information that FHFA expects to include in the initial order issued under a final information sharing rule, these items are set out and discussed below. Similarly, the agency intends to publish the final rule and the initial distribution order concurrently so as to provide the greatest possible clarity regarding the scope and effect of the final rule. If the list of information to be shared under the distribution order that is published with the final rule is substantially identical to that described in this Supplementary Information, no further opportunity to comment on the contents of the order will be provided to the Banks—*i.e.,* FHFA will consider the notice and opportunity to comment provided by this proposed rule to have fulfilled the requirements of § 1260.2. However, if the list of information to be shared under that order differs materially from that described in this Supplementary Information, a further opportunity to comment will be provided to the Banks in accordance with the provisions of the rule. To be clear, proposed § 1260.2 would not require this type of formal notice-and-comment process when a distribution order is issued or amended; and if that provision is adopted substantially as proposed, the agency anticipates that it would typically use a less formal notice-and-comment process when it issues or amends a distribution order.

Anticipated Scope of Information Sharing Under Initial Distribution Order

As mentioned, FHFA already provides each Bank with a substantial amount of financial information about the other Banks—both in the form of raw data and in the form of analytical reports based on raw data. FHFA believes that, for the sake of clarity and efficiency, as well as to be consistent with the HERA mandate for information sharing, those existing distributions of information should also be governed by the procedures and requirements that would be established under a final information sharing rule. Thus, the agency expects that the initial distribution order issued under the rule would bring within the purview of the rule the following categories of information that are currently made available to the Banks: (1) Information uploaded by each Bank to FHFA's call report system (CRS) electronic database (excluding Bank membership information)[21]; (2) information about the Banks that is presented in FHFA's semi-annual ''Profile of the Federal Home Loan Bank System'' report prepared by FHFA's Division of Bank Regulation (DBR)[22]; (3) information relating to the weekly report on Bank liquidity prepared by DBR; and (4) information relating to the quarterly report on Bank membership prepared by DBR. In addition, FHFA anticipates that the initial order would also provide for the distribution of three new categories of information: (1) The ''Summary and Conclusions'' portion of each Bank's report of examination; (2) a quarterly statement, to be prepared by FHFA, indicating whether each Bank has timely filed with FHFA the quarterly liquidity certification required pursuant to 12 CFR 1270.10(b)(1); and (3) a statement, to be prepared by FHFA as circumstances warrant, identifying any Bank that has notified FHFA pursuant to 12 CFR 1270.10(b)(2) of any actual or anticipated liquidity problems and describing the nature of the liquidity problems. Each of these new categories of information is described below.

Banks' Reports of Examination

The first proposed rule contemplated that FHFA would routinely distribute each Bank's report of examination in its entirety, subject to the proviso that FHFA reserved the right to narrow the distribution to those portions of the report that FHFA deemed appropriate. FHFA carefully considered comments received, as well as the requirements of section 20A of the Bank Act, and the agency's statutory responsibilities as regulator and supervisor of the Bank System and has decided that a narrower approach to the sharing of the reports of examination would be more appropriate. The reason for this modified approach is to ensure that each Bank receives the information necessary to assess the condition of the other Banks and to make legal disclosures regarding its potential joint and several liability without damaging the integrity of the Bank examination process. Candid communication—both by Bank employees and by FHFA examiners—is a critical element of the examination process. The agency has reconsidered whether the distribution of full final reports of examination, as provided in the first proposed rule, might inhibit candid communications between Bank employees and FHFA examiners, thereby compromising the Bank examination process and

[21] Banks currently are not permitted to access detailed information about other Banks' members that is contained in the CRS database because FHFA considers this to be proprietary information. FHFA does not intend to share this information under the initial distribution order to be issued under a final rule.

[22] DBR also prepares more detailed semi-annual profiles of the individual Banks which currently are shared only with the subject Bank and not with other Banks or the OF. Because these individual Bank profiles often contain proprietary information regarding a Bank's members, as well as assessments based upon detailed information from the Bank's report of examination, FHFA does not intend to share this information under the initial distribution order to be issued under a final rule.

undermining FHFA's ability to carry out its supervisory responsibilities. These concerns regarding the examination process were reflected indirectly in § 1260.3(a) of the first proposed rule, under which FHFA would have reserved the authority to distribute only ''such portions'' of the reports of examination that the agency ''deem[ed] appropriate.'' Despite the fact that the first proposed rule would have allowed FHFA to redact certain portions of a report of examination, the agency now believes that it is preferable to take a more explicit and standardized approach to identifying the portions of the report of examination that will be provided to the other Banks and the OF.

Accordingly, FHFA expects that, under the initial distribution order, it would routinely distribute to the Banks and the OF the material that is currently contained in the ''Summary and Conclusions'' portion of each Bank's final annual report of examination. With respect to the timing of these distributions, FHFA anticipates that the initial order will reflect the approach from the first proposed rule, which is that each distribution would be made soon after FHFA has presented the final report to the subject Bank's board of directors. The Federal Home Loan Bank Examination Manual issued by FHFA requires that the Summary and Conclusions section contain an evaluation of the overall condition and practices of the Bank, as well as a table that depicts the date and examination ratings (both composite and component ratings) for the current examination and the previous examination.[23] This must be followed by a concise discussion of the composite rating which addresses any component that is a significant factor in the composite rating or has changed since the previous examination. Thus, the agency anticipates that the order would provide for the distribution of those portions of each Bank's exam report that set forth: (i) The Bank's composite rating and component ratings for the current and prior examination; (ii) a summary of the basis for the current composite rating (including any component that is a significant factor in the composite rating) and any changes to the composite or component ratings since the last examination; and (iii) the conclusion regarding the overall condition and practices of the Bank and the analysis used to reach that conclusion. FHFA would not distribute the portions of any report of examination in which the component examination ratings are discussed or analyzed in detail or in which the ''matters requiring attention'' of the Bank's board of directors are enumerated or discussed.[24]

Under the initial order, FHFA would not distribute any other supervisory reports that it may present to the board of directors of a Bank, as would have been the case under the first proposed rule. In addition, FHFA does not anticipate providing in the initial order for the sharing of Bank managements' responses to reports of examination, as suggested by one commenter. FHFA examiners discuss findings with Bank management prior to the preparation of a final report of examination, which discussions provide examiners with insights into the opinions and reactions of Bank management. FHFA believes that disclosure of such communications between management and the examination team is not essential to understanding the financial condition of the Bank, and could hamper the open and honest communication that is required to carry out the examination process effectively.

Banks' Quarterly Liquidity Certifications and Related Liquidity Notices

As mentioned above, three commenters generally opposed the sharing of final reports of examination and other supervisory reports presented by FHFA to a Bank's board of directors. All three of these viewed the purpose behind section 20A of the Bank Act as being limited strictly to providing each Bank with sufficient information to evaluate the financial condition of the other Banks in order to assess the likelihood that it may be called upon to make payments on another Bank's COs under the joint and several liability provisions of the Bank Act. None of these commenters believed that the sharing of final supervisory reports would be an effective method of achieving this goal because they argued that these reports address topics that are not necessarily related to a Bank's financial condition and are not designed to provide real-time financial information that would aid in evaluating joint and several liability. All three of these commenters advocated that FHFA include in its final rule an alternative provision requiring FHFA to confirm to all of the Banks, on a quarterly basis, that each of the other Banks has submitted a certification that it remains capable of making full and timely payment of all of its current obligations coming due during the next quarter, as required under § 1270.10(b)(1) of FHFA's regulations.[25] In response to this comment, FHFA proposes that the initial distribution order provide for the regular distribution of a statement by FHFA confirming that each Bank has filed its quarterly liquidity certification, as well as a statement by FHFA about any notices that may be submitted by a Bank about liquidity problems, as required by § 1270.10(b)(2) of the regulations.[26]

Section 1270.10(b)(1) of the regulations requires that, before the end of each calendar quarter, and before declaring or paying any dividend for that quarter, the President of each Bank certify in writing to FHFA that, based on known current facts and financial information, the Bank will remain in compliance with all statutory and regulatory liquidity requirements and will remain capable of making full and timely payment of all of its current obligations coming due during the next quarter. In addition, § 1270.10(b)(2) requires that a Bank provide immediate notice to FHFA if the Bank: (i) Is unable to provide the written certification required by paragraph (b)(1); (ii) projects at any time that it will fail to comply with statutory or regulatory liquidity requirements, or will be unable to timely and fully meet all of its current obligations due during the quarter; (iii) actually fails to comply with statutory or regulatory liquidity requirements or to timely and fully meet all of its current obligations due during the quarter; or (iv) negotiates or enters into an agreement with one or more other Banks to obtain financial assistance to meet its current obligations due during the quarter.

FHFA proposes that the initial distribution order provide that, following the end of each calendar quarter, FHFA distribute a statement indicating whether each Bank has timely filed the quarterly certification relating to the Bank's anticipated compliance with liquidity requirements and its anticipated ability to meet its obligations coming due during the following calendar quarter, as required by § 1270.10(b)(1). For example, soon after the end of the first calendar quarter of a year, FHFA would distribute a

[23] The Federal Home Loan Bank Examination Manual can be found at *http://www.fhfa.gov/webfiles/2652/FHFB%20Manual.pdf.*

[24] Component ratings are currently given for: (1) Corporate governance; (2) market risk; (3) credit risk; (4) operational risk; and (5) financial condition and performance. FHFA is adopting a new examination ratings system, effective January 1, 2013, under which component ratings will be given for: (1) Capital; (2) asset quality; (3) management; (4) earnings; (5) liquidity; (6) sensitivity to market risk; and (7) operational risk. *See* 77 FR 67644 (Nov. 13, 2012).

[25] 12 CFR 1270.10(b)(1).

[26] 12 CFR 1270.10(b)(2).

statement indicating for each Bank whether, prior to the end of the first quarter, the Bank filed the required certification regarding its ability to meet liquidity requirements and meet its obligations during the second quarter. The order would also provide that, following its receipt of any notice filed under § 1270.10(b)(2), FHFA distribute to all of the other Banks and the OF a statement identifying the Bank that filed the notice and describing the nature of the notice. In this statement, FHFA would provide whatever additional information about the notice that it deems appropriate under the circumstances. At present, certain of the Banks individually ask FHFA whether the other Banks have made their quarterly liquidity certifications, and FHFA responds to those requests individually by confirming its receipt of the certifications from the other Banks. By incorporating this information into the HERA-mandated information sharing regime, FHFA would make this information available to all of the Banks, not just those who ask for it.

Other Information Which May Be Shared in the Future

In various combinations, the three commenters who advocated the sharing of information about the liquidity filings made under § 1270.10(b) also supported the quarterly distribution of certain other financial information regarding each Bank. The suggested financial information included, for each Bank: net income projections and anticipated material losses; projected dividend rates; impairments of assets; concentrations of advances and exposures to derivatives counterparties and mortgage insurers; market risk limit measures, including key rate durations; liquidity information; member collateral shortfalls; unsecured credit exposures; and FHFA's intended actions if a Bank is expected to default on its upcoming obligations. Certain of this financial information, such as that relating to concentration of advances to members, exposures to derivatives counterparties, other unsecured credit exposures, and liquidity requirements, is already available through the Banks' federal securities filings, which may lessen the need to include it within the HERA-mandated information sharing regime. Because of that, FHFA does not currently anticipate that the initial distribution order would require the distribution of those items, but recognizes that, after FHFA and the Banks have gained further experience with the substance and mechanics of the information sharing process, it may be appropriate to include similar types of information within the information sharing regime. Accordingly, FHFA requests comments on what types of financial information, beyond those already available to the Banks through the federal securities filings and the FHFA's call report data base, might be appropriate for FHFA to include within the information sharing regime, either as part of the initial distribution order or subsequently.

FHFA also requests comments on whether it would be useful for the agency to distribute under this rule a weekly DBR report on the Banks' unsecured credit exposure. As required under § 1273.6(f) of FHFA's regulations, the OF currently collects from each Bank data relating to the Bank's unsecured credit exposure to individual counterparties and, from this data, compiles and distributes to the Banks a monthly report.[27] These reports may be of limited practical value given that the data is typically about 20 days old by the time the report is distributed and that the vast majority of the Banks' unsecured credit exposure occurs in the form of overnight transactions. In order to address these shortcomings, DBR recently has been preparing for its own internal use a weekly report that covers the Banks' credit exposures arising from repurchase transactions (which are not covered by the existing OF report, but which can constitute a significant portion of the Banks' exposure to foreign counterparties), as well as the forms of unsecured credit exposure that are addressed in the OF report. The new DBR report is typically completed within one day of FHFA's receipt of the data and assesses the Banks' exposure based upon seven-day averages, rather than as of a single point-in-time, as is the case with the OF report. Although FHFA has not yet determined whether it will continue to compile these reports or whether it will distribute them to the Banks on a regular basis, the agency seeks comment on whether regular distribution of these reports to the Banks would further the purposes of section 20A of the Bank Act.

FHFA as Information Clearinghouse

Like the first proposed rule, this proposed rule requires that FHFA act as the clearinghouse for the sharing of information under section 20A of the Bank Act, and provides no mechanism for the direct sharing of such information among Banks. Four commenters expressly supported this approach, and none objected. One commenter requested that the final rule contain an explicit statement that it governs the entirety of a Bank's right to receive shared information under section 20A of the Bank Act and that no Bank is permitted to receive such information unilaterally from FHFA or another Bank. FHFA has not included such a statement in this proposed rule. In part, this is because part 911 of the Finance Board's regulations, which continues to govern the control of unpublished information,[28] already prohibits a Bank from disclosing information created or obtained by the Finance Board or FHFA in connection with the performance of official duties, including reports of examination and supervisory correspondence, without prior written authorization from FHFA.[29] The first proposed rule would not have authorized any direct sharing of unpublished information among the Banks and no such authorization has been included in this proposed rule. In order to preserve its ability to provide written authorization for the disclosure of unpublished information as circumstances warrant, FHFA has declined to include in this proposed rule a blanket prohibition on the direct sharing of such materials. In addition, there is no basis upon which FHFA may prohibit a Bank from sharing financial information that does not qualify as unpublished information under part 911, even if it is shared with one or several Banks to the exclusion of others. Moreover, the Banks currently share certain non-confidential information among themselves on an informal basis—a practice that FHFA does not want to discourage, as could be the case if the proposed rule were to include a

[27] *See* 12 CFR 1273.6(f).

[28] In this issue of the **Federal Register**, FHFA is also publishing a proposed rule which would replace part 911 with new regulations governing the control of unpublished information (which is referred to as ''non-public information'' in that proposed rule). If adopted in final form as proposed, those new regulations would be identical in effect to the provisions of part 911 that are referenced in the regulatory text of this proposed rule and that are discussed in this Supplementary Information. Should FHFA's final rule on non-public information differ materially from the proposed rule with respect to those provisions, these changes will be addressed and appropriately accounted for in the final version of this rule.

[29] *See* 12 CFR 911.3(c)(1). In 2006, the Finance Board issued an Advisory Bulletin that permitted a Bank to disclose the factual content of information contained in its report of examination, if necessary in the preparation of its SEC disclosures, but continued to prohibit the Banks from releasing the report of examination itself, or any portion of the report. *See* Federal Housing Finance Board Advisory Bulletin 2006–AB–03 (July 18, 2006) (available online at *http://www.fhfa.gov/webfiles/13094/2006–AB–03.pdf*). The Advisory Bulletin also specifically prohibited the sharing of reports of examination among the Banks, and nothing in the second proposed rule is intended to override this restriction.

prohibition such as that raised by the commenters.

The centralized distribution process reflected in this proposed rule represents the agency's best initial judgment as to the appropriate way to implement section 20A. FHFA intends to undertake the distribution of Bank information within the parameters of part 1260, but will assess the process on an ongoing basis and make such adjustments within those parameters, or take such other steps (including amending the rule if appropriate), as it determines are necessary to most effectively fulfill the statutory information sharing mandate.

For similar reasons, FHFA has declined a request made by three commenters that the final rule specify that FHFA is to distribute information directly to the chief executive officer of each Bank and of the OF. Although the agency intends to provide guidance as to the specifics of the distribution process (probably as part of the distribution orders), FHFA believes that these specifics should not be enshrined in the regulation. FHFA already communicates with the Banks through various secure means, and other such approaches may be developed over time. To require FHFA to undertake a new rulemaking to make the necessary adjustments would hinder the ability of the agency to carry out the distribution process in the most effective manner. FHFA believes that the restrictions on disclosure of information by Banks and their directors, officers and employees set forth in § 1260.5 of this proposed rule (discussed in detail below) and elsewhere are sufficient to protect confidential information. Within those parameters, each Bank must establish its own policies and procedures to govern access to the shared information.

C. Section 1260.3—Requests To Withhold Proprietary Information

As required under section 20A of the Bank Act, § 1260.3(b)(1) of the first proposed rule would have permitted a Bank to request in writing that FHFA withhold from distribution particular information contained in a report of examination, so long as the Bank could demonstrate that the information is proprietary and the public interest requires that it not be shared. The first proposed rule would have given a Bank ten business days following the presentation of a report to its board of directors within which to make such a request. Section 1260.3(b)(2) of the first proposed rule would have required the Director of FHFA or his designee to make a prompt, non-appealable determination as to whether to redact the subject information from the report to be distributed and to notify the affected Bank of its decision.

In this proposed rule, FHFA has restructured the provisions regarding the withholding of proprietary information, primarily to correspond to the changes that are proposed to be made to the scope of information to be shared under the rule, but also to provide greater clarity and in response to some of the comments received on the first proposed rule. Those provisions are located in § 1260.3 of this proposed rule. It has also added a definition of the term ''proprietary information'' to § 1260.1 in order to clarify the standards to be applied in making proprietary determinations under the rule and to ensure that those standards are consistent with standards that FHFA applies when it makes proprietary determinations in other contexts.

Section 1260.3(a) provides that a Bank may request in writing that FHFA withhold from distribution particular information relating to the Bank on the grounds that it is proprietary information and the public interest requires that it not be shared. Section 1260.3(a) would also require that, in order for a request to be considered by FHFA, the request must identify the particular information the Bank believes should be withheld and provide support for the assertions that it is proprietary information and that withholding such information from the other Banks and the OF is necessary to protect the public interest. The primary purpose of this provision is to make clear that, in preparing a request to withhold particular information, a Bank must be able to demonstrate that it meets both the ''public interest'' and the ''proprietary information'' elements of the statutory test. An assertion that a piece of information is ''proprietary information,'' without more, is not sufficient under the statute to justify withholding the information.

Proposed § 1260.1 defines the term ''proprietary information'' to mean ''information that contains trade secrets, or privileged or confidential commercial or financial information that, if shared among the Banks and the Office of Finance as provided under this part, would likely cause substantial competitive harm to the Bank to which the information pertains.'' Because neither section 20A nor any other provision of the Bank Act defines the term ''proprietary,'' FHFA looked to the Freedom of Information Act (FOIA) and related case law in formulating the proposed definition. Specifically, the definition is based largely upon the language of section 552(b)(4) of FOIA (Exemption 4), which exempts from FOIA's public disclosure requirements ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' [30] The definition also incorporates language from a line of judicial interpretations of Exemption 4 requiring that disclosure of the information in question be ''likely * * * to cause substantial harm to the competitive position of the person from whom the information was obtained'' in order for that information to qualify for exemption from FOIA disclosure pursuant to that provision.[31]

Although the term ''proprietary'' does not actually appear in the statutory text of FOIA, courts interpreting FOIA Exemption 4 generally have treated that provision as referring to proprietary information.[32] FHFA has chosen to take this approach in part because it will allow the agency to draw upon the substantial body of case law interpreting Exemption 4 if called upon to make a proprietary determination under section 20A (although in doing so FHFA will not be bound by FOIA, its legislative history, or Exemption 4 case law). In addition, the proposed definition parallels the regulatory definition that FHFA applies when determining whether particular data constitutes ''proprietary information'' that must be excluded from the electronic ''Public Use Database'' of information on mortgages purchased by Fannie Mae and Freddie Mac that the agency is required by statute to maintain and make available to the public.[33] However, unlike determinations made

[30] *See* 5 U.S.C. 552(b)(4).

[31] *See, e.g., National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765, 770 (DC Cir. 1974).

[32] *See, e.g., Public Citizen Health Research Group* v. *FDA,* 704 F.2d 1280 (DC Cir. 1983). In *Public Citizen,* the U.S. Court of Appeals for the District of Columbia Circuit clarified that, in order to meet the ''competitive harm'' requirement imposed by *National Parks* and its progeny, the harm arising from disclosure of the information at issue must ''flow[] from the affirmative use of proprietary information by competitors.'' *See id.* at 1291 n.30.

[33] *See* 12 U.S.C. 4543. The definition of ''proprietary information'' that FHFA uses in such cases is actually contained in the regulations of the Department of Housing and Urban Development (HUD), *see* 24 CFR 81.2, which was responsible for maintaining the Public Use Database (PUDB) until Congress transferred responsibility for that function to FHFA in 2008. In developing its definition of ''proprietary information,'' HUD drew from FOIA Exemption 4 and related case law in part so that it would be able to draw upon the body of FOIA law when making proprietary determinations under its PUDB regulations. *See* 60 Fed. Reg. 61846, 61877 (Dec. 1, 1995). FHFA expects to propose new PUDB regulations in the near future and anticipates that those regulations will contain a definition of ''proprietary information'' that is substantially similar to the one contained in the current HUD-promulgated PUDB regulations.

under the Public Use Database regulations, in order for information to be withheld from distribution under section 20A and this rule, a Bank must establish not only that the information is proprietary, but also that the public interest requires that it not be distributed. Accordingly, it is possible that, under this rule, FHFA may find it necessary to distribute information that qualifies as ''proprietary'' where the distribution of that information is necessary or appropriate to fulfill the purposes of section 20A.

Section 1260.3(b) of this proposed rule addresses the required timing of requests from the Banks to withhold proprietary information. Paragraph (b)(1) establishes general rules for requests relating to information submitted by the Banks, as well as for requests relating to information created by FHFA, such as reports of examination. Paragraph (b)(2) provides an exception to the general rules, which would allow the Director to establish different timeframes for particular categories of information that may be distributed pursuant to a distribution order issued under § 1260.2. For information that a Bank submits to FHFA, subparagraph (b)(1)(i) provides that the agency would consider only those requests that were received prior to, or simultaneously with, the Bank's submission of the information to FHFA. For example, if a Bank were to believe that elements of the data that it uploads into FHFA's CRS database met the statutory standards for being withheld from distribution, it would be required to submit its request to FHFA no later than the time at which it uploads the data. Otherwise, it would forgo the right to object at a later time to FHFA's distribution of that data—whether the data was made available in raw form (for example, as data accessible to other Banks in the CRS) or in modified form (for example, as part of comparisons with the data of other Banks, as presented in the Bank System Profile Book or other reports on the Banks or Bank System).

The reasoning behind this approach for Bank-submitted information is three-fold. First, this type of information is likely to serve the purposes underlying section 20A of the Bank Act only if other Banks are able to access it in a timely fashion. To allow a Bank a multi-day period within which to ask that portions of the information be withheld would introduce an unnecessary delay in the process and could lead to the risk that the information will be stale by the time it is received by other Banks, thus undermining the purpose of the information sharing scheme. For example, FHFA currently distributes to the Banks a weekly liquidity report, which it could not continue to do with the same timeliness if Banks had an opportunity to object to the distribution of portions of each week's data. Second, because the Banks themselves prepare the information and would be aware of its probable distribution, the marginal utility of providing them with an additional period of time in which to review the information for proprietary material would not outweigh the need to distribute the information in a timely manner. Finally, the vast majority of the data that Banks submit to FHFA through the CRS and in response to special data requests is in the form of numbers reflecting past financial performance, which data is unlikely to contain anything that could be considered proprietary in nature.

For information to be distributed other than that which is submitted to FHFA by the Banks themselves, subparagraph (b)(1)(ii) would permit each Bank ten business days after being provided a copy of the information within which to review that information for proprietary material and to deliver to FHFA a request to withhold. This is substantially identical to the approach reflected in the first proposed rule with respect to Banks' reports of examination and, in fact, would apply in the same way to that information under this proposed rule.

As mentioned, paragraph (b)(2) of § 1260.3 would allow FHFA, as part of an order issued by the Director or his designee under § 1260.2, to establish requirements for the timing of requests to withhold for any category of information to be distributed under such an order. Paragraph (b)(2) requires that, in establishing any such requirements, the Director or his designee must consider the volume and complexity of the information to be reviewed, the Bank's existing familiarity with the information, the frequency of submission or distribution of the information, the likelihood that the information will contain proprietary information, and the effect that any delay in the distribution of the information would have on the fulfillment of the purposes of section 20A(a) of the Bank Act.

FHFA anticipates that, for the sake of clarity, when it issues the initial distribution order identifying the particular categories of information to be disclosed, it also would specify which information is subject to the ''time of submission'' provision and which is subject to the ''10 business day'' provision, described above. For example, FHFA anticipates that the initial order would specify that a Bank will have ten business days following the date on which FHFA presents a report of examination to the Bank's board of directors within which to request that FHFA redact particular proprietary information before distributing it to the other Banks—*i.e.,* the request would need to be filed before the close of business on the tenth business day following the presentation of the report to the Bank's board. Similarly, the initial distribution order would likely reiterate that the Banks will be required to file requests to withhold data uploaded to the CRS, information submitted in response to a special data request or liquidity certifications and notices at or before the time that such information is submitted to FHFA.

Section 1260.3(c) of this proposed rule provides that, after receiving a written request that meets the form and timing requirements of paragraphs (a) and (b) of § 1260.3, the Director or his designee shall promptly determine whether to withhold any information from distribution, which determination is final. Paragraph (c) would also require that FHFA notify the affected Bank of its determination and prohibit FHFA from distributing the information that is the subject of the request until it has provided the required notice to the Bank.

Three commenters supported the first proposed rule's provision for the withholding of proprietary information when doing so is found to be in the public interest, while no commenters objected to the withholding of such information, or to the finality of FHFA's determination regarding the information requested to be withheld. A number of commenters requested that the final rule provide a mechanism for the withholding of categories of information in addition to that which FHFA deems to be proprietary and in the public interest to withhold. Seven commenters expressed concern over the possible disclosure of information that is subject to confidentiality agreements with third parties, or confidentiality provisions of license agreements. Five commenters stated that because each Bank is a separate legal entity, providing a Bank with access to sensitive or confidential strategic, operational, regulatory and business information may not be appropriate. Six commenters stated that sensitive information, such as that identifying personnel, or describing personnel matters, should not be distributed.

FHFA has declined to include in this proposed rule additional bases upon which the Banks may request the

withholding of information beyond that which is mandated by section 20A of the Bank Act. While section 20A does not expressly limit the bases upon which a Bank may request that FHFA withhold information, the fact that the statute expressly permits Banks to request the withholding only of proprietary information and requires a conclusion that any withholding of such information be in the public interest is a strong indication that the intent of Congress was to limit the types of information which the Banks could request to be withheld. FHFA believes that the concerns raised by the commenters will be mitigated by the fact that only the summary portions of the Banks' reports of examination would be distributed under the anticipated initial distribution order. In addition, FHFA is cognizant of the concerns expressed by the commenters and will prepare reports of examination with those concerns in mind.

Seven commenters expressly supported the ten business day period in which a Bank would be permitted to request the withholding of proprietary information from distribution. However, all of these commenters also asked that the final rule require FHFA to notify the subject Bank prior to distribution if the request is fully or partially denied, and to identify the information that will not be withheld, in order to allow the Bank to make timely and appropriate securities law or contractual disclosures. Section 1260.3(b)(2) of the first proposed rule would have required FHFA to provide notice of any determination regarding a request to withhold information, and this provision appears in revised form in § 1260.3(c) of this proposed rule, which specifies that FHFA must provide such notice to the requesting Bank and may not distribute any of the information in question until it has provided that notice.

D. Section 1260.4—Timing and Form of Information Distribution

Section 1260.3(c) of the first proposed rule would have required FHFA to distribute a Bank's report of examination after the ten-business-day period had expired without a request to withhold proprietary information or, if a Bank had made such a request, after the Director or his designee had acted on the request. If the Director or his designee were to determine that the report of examination included proprietary information that should not be shared, that proposed rule would have required FHFA to distribute an appropriately redacted version of the report. The first proposed rule also would have allowed FHFA to distribute the reports in either tangible or electronic form, as deemed appropriate on either an ongoing or case-by-case basis. FHFA received no comments on this provision of the rule.

Section 1260.4 of this proposed rule is substantially similar to § 1260.3(c) of the first proposal, although the wording has been altered slightly to reflect the more generic approach to the scope of information to be distributed. Section 1260.4(a) provides that FHFA may distribute information to the other Banks and the OF after the expiration of the applicable time period for asking that FHFA withhold proprietary information, unless the affected Bank has asked that particular information be withheld from distribution. Section 1260.4(a) further provides that when a Bank has filed a request to withhold information, FHFA may not distribute the information that is the subject of the request until after the Director or his designee has acted on the request and has provided the affected Bank with notice of the decision. Under this provision, the Director or his designee would be free to reach any appropriate decision regarding the distribution of the information in question—*i.e.,* to withhold all of the information, to distribute all of the information or to withhold part and distribute part of the information in question. Subsequently, FHFA would distribute the subject information in conformity with that decision. Under § 1260.4(b), as under the first proposed rule, FHFA would be permitted to distribute the information in either tangible or electronic form, as it deems appropriate.

E. Section 1260.5—Control of Shared Information

Section 1260.3(d) of the first proposed rule provided that the sharing of information under the rule did not constitute a waiver by FHFA of any privilege, or its right to control, supervise, or impose limitations on, the subsequent use and disclosure of any information concerning a Bank. The first proposed rule also provided that, to the extent that any reports of examination or other materials provided to a Bank or the OF under the rule otherwise qualify as ''unpublished information'' under 12 CFR part 911 (or any future regulatory provisions dealing with the same subject matter that may be promulgated by FHFA), those materials would continue to qualify as such and would continue to be subject to the restrictions on disclosure of such information set forth therein.[34] Two commenters expressly supported this provision and none opposed it. In this proposed rule, FHFA has carried over that provision from the first proposed rule (with additions described below), and has redesignated that provision as § 1260.5(a). This proposed rule also adds three new provisions, contained in paragraphs (b), (c), and (d) of § 1260.5, to address more comprehensively the protection of unpublished information.

Section 20A of the Bank Act makes clear that a primary reason for requiring the sharing of information among the Banks is to enable each Bank to better assess the likelihood that it will need to make payments pursuant to its joint and several liability on Bank System COs and to enable it to better fulfill its duty to disclose material information regarding the likelihood of such payments as required by applicable provisions of the federal securities laws or regulations issued thereunder by the SEC. Citing the restrictions on the disclosure of unpublished information set forth in 12 CFR part 911, several commenters requested that FHFA provide in the final rule, or in other guidance, authorization for each Bank to disclose in its SEC disclosure documents material information derived from the reports of examination of other Banks received under the rule after giving prior notice to the Bank to which the information pertains.

In 2006, the Finance Board issued written guidance authorizing each Bank to use and disclose in its SEC disclosure documents information contained in its own report of examination, provided that the disclosure is limited to a recital of the factual content of the report and does not involve the release of the report of examination itself, or any portion of it.[35] FHFA has added to § 1260.5(a) of this proposed rule language to extend this treatment to unpublished information regarding other Banks received pursuant to an order issued under § 1260.2, provided that the Bank meets the requirements regarding disclosure of this information that are set out in § 1260.5(b) of the rule. In this proposed rule, FHFA has added

[34] Under 12 CFR part 911 ''unpublished information'' refers to any information or document created or obtained by FHFA in connection with the performance of official duties, regardless of who possesses it, except for information or documents that the agency is required by statute or its own regulations to disclose or that were previously published or disclosed or are customarily furnished to the public in the course of the performance of official duties. *See* 12 CFR 911.1 (definition refers to the former Federal Housing Finance Board as regulator, but now applies to FHFA).

[35] *See* Federal Housing Finance Board Advisory Bulletin 2006–AB–03 (July 18, 2006).

§ 1260.5(b) to permit a Bank to disclose unpublished information received under § 1260.2 in its SEC disclosure documents provided that its determination that such disclosure is required under applicable provisions of the federal securities laws has been made in good faith, and that the Bank provides to FHFA and to the Bank to which the information pertains prior notice of the content and the anticipated timing of the disclosure. FHFA believes it is unlikely that information received regarding one Bank would prompt an SEC disclosure obligation by another Bank if the subject Bank has not determined that the information was material to the first Bank and thus warranted disclosure under the federal securities laws.[36] Nonetheless, because each Bank makes its own determination as to materiality and the content of its own disclosures under the federal securities laws, such a result is at least possible and, for that reason, FHFA has decided to address the matter in this proposed rule.

While the first proposed rule would have addressed the maintenance of the privileged status of reports of examination from the perspective of FHFA, it would not have addressed the confidentiality of shared information from the perspective of the Banks. Two commenters requested that the final rule clarify that the release of information under the rule will not be deemed a waiver by the subject Bank of any privilege or right to control the underlying information. In addition, four commenters advocated including a requirement in the final rule that would require each Bank to take measures to ensure that the confidentiality of other Banks' supervisory information is maintained by those that will have access to it. One commenter stated that the final rule should require that all Banks use reasonable means, but not less than that used to protect their own proprietary information, to safeguard the information contained in another Bank's report of examination and avoid unauthorized disclosure, dissemination or use.

In response to these concerns, FHFA has included in this proposed rule a new § 1260.5(c), which expressly states that a Bank may use unpublished information received under the rule only for the purposes described in section 20A(a) of the Bank Act (*i.e.,* to evaluate the financial condition of one or more other Banks and to comply with its obligations under the 1934 Act), and prohibits the disclosure of any unpublished information received under § 1260.2, except as otherwise provided in the rule (*e.g.,* in the case of a disclosure made under the federal securities laws pursuant to § 1260.5(a) and (b)). Proposed § 1260.5(c) would further require that each Bank and the OF implement policies and procedures to prevent the improper disclosure of such information and to limit the access of its personnel to such information. Under this proposed rule, these policies and procedures must be no less stringent than those that apply to the entity's own confidential and supervisory information. As with other internal controls, these procedures and their implementation will be subject to FHFA scrutiny as part of the Bank examination process.

Finally, like the first proposed rule, this proposed rule does not provide for any formal sharing of information pertaining to the OF because all twelve Bank presidents are members of the OF's board of directors and, therefore, already have access to its report of examination and other financial information. Three commenters expressly agreed that, for the reason stated, reports of examination for the OF do not need to be formally distributed to the Banks, while no commenters advocated the formal distribution of the OF reports or other information. However, all three supported inclusion of a specific provision stating that Bank presidents be permitted to share information regarding the OF with the boards of directors and appropriate staff of his or her Bank, subject to the restrictions on disclosure and adoption of policies and procedures required under the rule. FHFA has included such a provision in § 1260.5(d) of this proposed rule.

IV. Consideration of Differences Between the Banks and the Enterprises

Section 1201 of HERA amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 to add a new section 1313(f), which requires the Director of FHFA, when promulgating regulations relating to the Banks, to consider the differences between the Banks and the Enterprises (Fannie Mae and Freddie Mac) as they relate to: the Banks' cooperative ownership structure; the mission of providing liquidity to members; the affordable housing and community development mission; their capital structure; and their joint and several liability on consolidated obligations.[37] The Director also may consider any other differences that are deemed appropriate. In preparing this second proposed rule, FHFA considered the differences between the Banks and the Enterprises as they relate to the above factors, and determined that the rule is appropriate. No commenters raised any issues relating to this statutory requirement, as it applied to the first proposed rule.

V. Paperwork Reduction Act

This proposed rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to the Office of Management and Budget for review.

VI. Regulatory Flexibility Act

This proposed rule applies only to the Banks, which do not come within the meaning of small entities as defined in the Regulatory Flexibility Act (RFA). *See* 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, FHFA certifies that this proposed rule will not have significant economic impact on a substantial number of small entities.

List of Subjects

12 CFR Part 1260

Confidential business information, Federal home loan banks, Reporting and recordkeeping requirements.

Accordingly, for the reasons stated in the **SUPPLEMENTARY INFORMATION** and under the authority of 12 U.S.C. 4526, the Federal Housing Finance Agency proposes to amend subchapter D of chapter XII of title 12 of the Code of Federal Regulations as follows:

CHAPTER XII—FEDERAL HOUSING FINANCE AGENCY

Subchapter D—Federal Home Loan Banks

■ 1. Add part 1260 to read as follows:

PART 1260—SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS

Sec.

1260.1 Definitions.
1260.2 Bank information to be shared.
1260.3 Requests to withhold proprietary information.
1260.4 Distribution of Bank information by FHFA.
1260.5 Disclosure of shared Bank information.

Authority: 12 U.S.C. 1440a, 4511 and 4513.

[36] Each Bank is subject to the periodic reporting requirements of section 13(a) of the 1934 Act, 15 U.S.C. 78m(a), and, therefore, upon the occurrence of a material corporate event, is required to file with the SEC (in most cases within four business days of the material event) a current report on Form 8–K. *See* 17 CFR 240.13a–11; 17 CFR 249.308.

[37] *See* 12 U.S.C. 4513(f).

§ 1260.1 Definitions.

As used in this part:

Proprietary information means information that contains trade secrets, or privileged or confidential commercial or financial information that, if shared among the Banks and the Office of Finance as provided under this part, would likely cause substantial competitive harm to the Bank to which the information pertains.

Unpublished information has the meaning set forth in § 911.1 of this title.

§ 1260.2 Bank information to be shared.

In order to enable each Bank to evaluate the financial condition of any one or more of the other Banks and the Bank System, FHFA shall distribute to each Bank and to the Office of Finance such categories of financial and supervisory information regarding each Bank and the Bank system as the Director or his designee may specify from time to time by written order, subject to the requirements of this part. Prior to issuing or amending such an order, FHFA shall notify each Bank and the Office of Finance of the proposed contents of the order and allow them a reasonable period within which to comment.

§ 1260.3 Requests to withhold proprietary information.

(a) *General.* A Bank may request in writing that FHFA withhold from distribution particular information relating to the Bank that may otherwise be subject to distribution under § 1260.2 on the basis that it is proprietary information and the public interest requires that it not be shared. Any such request shall identify the particular information the Bank believes should be withheld and provide support for the assertions that it is proprietary information and that withholding it from the other Banks and the Office of Finance is necessary to protect the public interest.

(b) *Timing of requests.*—(1) *General.* Unless otherwise specified by written order as described in paragraph (b)(2) of this section, the period within which a Bank may make a request to withhold proprietary information under paragraph (a) of this section shall be as follows:

(i) For information that a Bank submits to FHFA, the request shall be delivered to FHFA no later than the time at which the Bank submits the subject information to FHFA.

(ii) For information that FHFA creates (not including compilations of data submitted by the Banks), prior to distributing any information relating to a particular Bank, FHFA shall provide that Bank with a copy of the information to be distributed, after which the Bank shall have ten (10) business days within which to deliver the request to FHFA.

(2) *As specified by written order.* Any order issued by the Director or his designee under § 1260.2 may establish requirements for the timing of requests to withhold proprietary information that are different from those specified under paragraph (b)(1) of this section for any category of information to be distributed thereunder. In establishing such requirements, the Director or his designee shall give due regard to the volume and complexity of the information to be reviewed, the Bank's existing familiarity with the information, the frequency of submission or distribution of the information, the likelihood that the information will contain proprietary information, and the effect that any delay in the distribution of the information would have on the fulfillment of the purposes of section 20A(a) of the Bank Act.

(c) *Determination and notice by FHFA.* After receiving a written request that meets the requirements of paragraphs (a) and (b) of this section, the Director or his designee shall promptly determine whether to withhold any information from distribution pursuant to the request, which determination shall be final. FHFA shall promptly notify the affected Bank of that determination and shall not distribute any information that is the subject of the request until it has provided the required notice to the Bank.

§ 1260.4 Distribution of Bank information by FHFA.

(a) *Timing.* FHFA may distribute information authorized to be distributed pursuant to § 1260.2 after the expiration of the applicable time period specified in § 1260.3(b) unless, within that time period, the affected Bank has filed with FHFA a written request to withhold particular proprietary information that meets the requirements of § 1260.3(a). When a Bank has filed such a request, FHFA shall not distribute the information that is the subject of the request until the Director or his designee has made the determination and provided the notice required by § 1260.3(c) and shall distribute or withhold the subject information in conformity with that determination.

(b) *Form.* FHFA may distribute information under this part in either tangible or electronic form, as it deems appropriate.

§ 1260.5 Disclosure of shared Bank information.

(a) *No waiver of privilege.* The release of information under this part does not constitute a waiver by FHFA of any privilege, or of its right to control, supervise or impose limitations on the subsequent use and disclosure of any information concerning a Bank. To the extent that any information provided to a Bank or the Office of Finance pursuant to this part qualifies as unpublished information under part 911 of this title or any successor provision, that information shall continue to qualify as such and shall continue to be subject to the restrictions on disclosure set forth in those provisions, provided that a Bank shall not be deemed to have violated § 911.3(c) of this title or any successor provision by disclosing in filings with the SEC unpublished information about another Bank that was obtained pursuant to this part if the disclosure is limited to a recital of the relevant factual content of the underlying information and the Bank has provided the notice required by paragraph (b) of this section.

(b) *Disclosures under the Federal securities laws.* If a Bank determines in good faith that it is required by any applicable provisions of the 1934 Act or of the regulations issued by the SEC thereunder to disclose unpublished information relating to another Bank that it has received pursuant to this part, it shall provide to FHFA and to the Bank to which the information pertains prior written notice of such determination and of the content and anticipated timing of the disclosure, which notice shall be provided as far in advance of the anticipated disclosure as is feasible under the circumstances.

(c) *Safeguarding of information.* A Bank may use unpublished information distributed pursuant to this part only for the purposes described in section 20A(a) of the Bank Act. Except as otherwise provided in this part, neither the Office of Finance, nor any Bank, nor any officer, director or employee thereof, may disclose or permit the use or disclosure of any unpublished information regarding another Bank or the Office of Finance, received pursuant to this part, in any manner or for any purpose. Each Bank and the Office of Finance shall implement policies and procedures to prevent the improper disclosure of such information and to limit the access of its personnel to such information, which policies and procedures shall be no less stringent than those that apply to the entity's own confidential and supervisory information.

(d) *Information regarding the Office of Finance.* A Bank president that receives any information regarding the Office of Finance in his or her capacity as a member of the board of directors of the Office of Finance may share the information with the board of directors of the Bank at which he or she is employed, as well as with the appropriate officers and employees of the Bank, subject to the limitations of this part.

Dated: January 17, 2013.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2013–01428 Filed 1–28–13; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1142

[Docket No. FDA–2012–N–1032]

Smokeless Tobacco Product Warning Statements; Request for Comments and Scientific Evidence

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is establishing a public docket to obtain comments, supported by scientific evidence, regarding what changes to the smokeless tobacco product warnings, if any, would promote greater public understanding of the risks associated with the use of smokeless tobacco products.

DATES: Submit electronic or written comments by April 1, 2013.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Gail Schmerfeld, Center for Tobacco Products, 9200 Corporate Blvd., Rockville, MD 20850–3229, 1–877–287–1373, *gail.schmerfeld@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31) (Tobacco Control Act) into law. The Tobacco Control Act grants FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect public health generally and to reduce tobacco use by minors.

Section 204 of the Tobacco Control Act amended section 3 of the Comprehensive Smokeless Tobacco Health Education Act (Smokeless Tobacco Act) (15 U.S.C. 4402) to prescribe new requirements for health warnings that must appear on smokeless tobacco product packages and advertising. The Smokeless Tobacco Act (15 U.S.C. 4402(a)(1) and (b)(1)), requires that smokeless tobacco product packages and advertising must bear one of four required warning statements. The four required warning statements are:

''WARNING: This product can cause mouth cancer.''

''WARNING: This product can cause gum disease and tooth loss.''

''WARNING: This product is not a safe alternative to cigarettes.''

''WARNING: Smokeless tobacco is addictive.'' (15 U.S.C. 4402(a)(1))

One of the four required warning statements must be located on each of the two principal display panels of the package and comprise at least 30 percent of each such display panel (15 U.S.C. 4402(a)(2)(A)). The Smokeless Tobacco Act (15 U.S.C. 4402(a)(2) and (b)(2)), also sets forth requirements for the placement, type, size, and color of warnings on packaging and advertisements, respectively.

Section 205(a) of the Tobacco Control Act further amended section 3 of the Smokeless Tobacco Act to give FDA the authority to ''adjust the format, type size and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act'' through rulemaking conducted under the Administrative Procedures Act (5 U.S.C. 552, *et seq.*) if FDA ''finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products'' (15 U.S.C. 4402(d)).

II. Request for Scientific Evidence and Information

We are interested in comments, supported by scientific evidence, regarding what changes, if any, to the smokeless tobacco product warnings would promote greater public understanding of the risks associated with the use of smokeless tobacco products. The ''public'' includes both tobacco users and nonusers (i.e., never users and former users). Comments and supporting evidence should address how any changes in the warnings would affect both users' and nonusers' understanding of the risks associated with the use of smokeless tobacco products.

III. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**) or electronic comments to *http://www.regulations.gov*. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: January 18, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–01626 Filed 1–28–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG–102966–10]

RIN 1545–BJ31

Designation of Payor as Agent To Perform Acts Required of an Employer

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations under section 3504 of the Internal Revenue Code (Code) providing circumstances under which a person (payor) is designated as an agent to perform the acts required of an employer and is liable for employment taxes with respect to wages or compensation paid by the payor to individuals performing services for the payor's client pursuant to a service agreement between the payor and the client.

DATES: Written or electronic comments must be received by April 29, 2013.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–102966–10), room 5203, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday, between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–102966–10), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Additionally, taxpayers may submit comments electronically via the Federal eRulemaking Portal at *www.regulations.gov.* (Indicate IRS and REG–102966–10.)

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, contact Jeanne Royal Singley at (202) 622–0047; concerning the submission of comments or requests for a hearing, contact Oluwafunmilayo (Fumni) Taylor at (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Employment Taxes in General

Employers generally are required to deduct and withhold federal income tax and Federal Insurance Contributions Act (FICA) taxes from wages paid to their employees under sections 3402(a) and 3102(a), and are separately liable for the employer's share of FICA taxes under section 3111 and Federal Unemployment Tax Act (FUTA) taxes under section 3301. Instead of FICA taxes, railroad employers are required to deduct and withhold Railroad Retirement Tax Act (RRTA) taxes from their employees' compensation under section 3202, and are separately liable for the employer's share of RRTA tax under section 3221. These taxes are collectively referred to for purposes of these proposed regulations as employment taxes. Sections 31.3102–1(d), 31.3202–1(e) and 31.3403–1 establish that the employer is the person liable for the withholding and payment of employment taxes, whether or not amounts are actually withheld.

When an individual performs services for another person, an employer-employee relationship may exist. Generally, the Code determines the existence of an employer-employee relationship by applying the common law test to the particular facts and circumstances of each case. See section 3121(d)(2). The Code, however, also provides for other categories of employees, such as corporate officers in section 3121(d)(1).

Under the common law test, an employment relationship exists when the person for whom the services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. An employment relationship exists if an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if the employer has the right to do so. See §§ 31.3121(d)–1(c), 31.3231(b)–1(a)(2), 31.3306(i)–1(b), and 31.3401(c)–1(b). This test is also applicable in determining which of two parties in a three-party arrangement is the employer. *See* for example, *Professional and Executive Leasing, Inc.* v. *Commissioner,* 89 T.C. 225 (1987), *aff'd,* 862 F.2d 751 (9th Cir. 1988).

While other factors are helpful in analyzing the common law test, the critical factor in determining whether a person is the common law employer of an individual who performs services is whether the individual is subject to the will and control of the person receiving the services both as to the work to be done and how it is to be done. Thus, the person's control of the individual's actual job performance, rather than merely control of certain administrative functions related to the individual performing services at the worksite, is paramount under the common law analysis. In unique circumstances, an individual may be an employee of more than one employer (concurrent employment) with regard to the same services. See Rev. Rul. 66–162, 1966–1 C.B. 234 (citing Rest. 2d Agency, § 226). However, in order for an individual to be concurrently employed by two entities, each entity must separately satisfy the common law control test.

An employer must file an employment tax return reporting employment taxes for each employment tax return period. Generally, an employer files Form 941, *Employer's Quarterly Federal Tax Return* to report wages the employer paid—during a quarter of a calendar year—that are subject to federal income tax withholding and FICA taxes. Wages an employer pays that are subject to FUTA tax are reported annually on Form 940, *Employer's Annual Federal Unemployment Tax (FUTA) Return.* Employers that pay compensation subject to the RRTA file Form CT–1, *Employer's Annual Railroad Retirement Tax Return,* as well as Form 941 to report federal income tax withholding. All employers that pay wages or compensation subject to federal income tax withholding, FICA tax, or RRTA tax must file Forms W–2, *Wage and Tax Statement,* and a Form W–3, *Transmittal of Wage and Tax Statements,* with the Social Security Administration (SSA) and furnish a Form W–2 to each employee. The employer must obtain an employer identification number (EIN) using Form SS–4, *Application for Employer Identification Number,* for use in filing the forms. An EIN is a nine-digit number used by the Internal Revenue Service (IRS) to identify an employer's tax account. See section 6109.

For various reasons, an employer may choose to enter into an agreement with a third party (such as a payroll service provider or a professional employer organization (PEO)), sometimes referred to as a third-party payor. Under the agreement the third-party payor remits the wages to employees and takes steps to ensure the employer's employment tax withholding, reporting, and payment obligations are satisfied. However, employment tax liability cannot be altered by private agreement between an employer and a third-party payor. See *In re Professional Security Services, Inc.,* 162 B.R. 901 (Bankr. M.D. Fla. 1993). Rather the liability of the employer and/or the third-party payor for employment taxes is determined under the Code and depends on all of the facts and circumstances, including the terms and substance of the arrangement between the employer and the third-party payor. There are limited circumstances in a three-party arrangement when the third-party payor may be considered the person responsible for the withholding and payment of employment taxes in addition to, or in lieu of, the common law employer. A description of some common three-party arrangements follows.

Section 3401(d)(1) Employers

Section 3401(d)(1) provides that for purposes of federal income tax withholding, the term *employer* means the person for whom an individual performs or performed any service, of whatever nature, as an employee of such person, except that, if the person for whom the individual performs or performed the services does not have control of the payment of wages for such services, the term *employer* means the person having control of the payment of such wages. For purposes of section 3401(d)(1), the term *control* means legal control. See § 31.3401(d)–1(f). Thus, when one person is the common law employer of an individual because it controls the day-to-day performance of services by the individual, another

person may be the employer liable to collect, report, and pay employment taxes because it is the entity solely in control of the payment of wages to the individual. See *Winstead* v. *United States,* 109 F.3d 989 (4th Cir. 1997). Whether an entity is in control of the payment of wages is determined by considering the facts and circumstances related to each payment of wages. Thus, an entity can be in control of the payment of wages for one employment tax return period, but not in control of the payment of wages for a prior or subsequent employment tax return period.

The legislative history to section 3401(d)(1) specifies that section 3401(d)(1) was intended solely to meet unusual situations and was not intended as a departure from the basic structure of centralizing employment tax obligations with the common law employer. See S. Rep. No. 221, 78th Cong. 1st Sess., May 10, 1943. Accordingly, an entity is not in control of the payment of wages if the payment of wages is contingent upon, or proximately related to, the entity having first received funds from its clients.

The FICA, FUTA, and RRTA do not contain a definition of the term *employer* similar to the definition contained in section 3401(d)(1); however, courts have applied the section 3401(d)(1) definition to determine liability for the payment of FICA tax under sections 3102 and 3111 and FUTA tax under section 3301. See *Otte* v. *United States,* 419 U.S. 43, 95 S. Ct. 247, 42 L. Ed. 2d 212 (1974); *In re Armadillo Corp.,* 410 F. Supp. 407 (D. Colo. 1976), *aff'd,* 561 F. 2d 1382 (10th Cir. 1977). Due to the similarity between the purpose and scope of the RRTA and the purpose and scope of the FICA, the same definition also applies to the RRTA. Accordingly, section 3401(d)(1) shifts the liability for all the employment taxes due on wages or compensation from the common law employer to the third-party payor with control of the payment of those wages or compensation.

Section 3504—Agents

Under section 3504, if a payor pays wages or compensation to employees who are employed by one or more employers, the Secretary is authorized, in accordance with regulations prescribed by the Secretary, to designate such payor to perform acts required of employers under the Code. Section 3504 further provides that, except as otherwise prescribed by the Secretary, all provisions of law (including penalties) applicable with respect to an employer are applicable to the person so designated, but the employer for whom the person acts remains subject to the provisions of law (including penalties) applicable with respect to employers. Accordingly, both an employer and the payor designated in accordance with regulations under section 3504 are liable for the employment taxes on wages or compensation paid by the payor.

Current regulations issued under section 3504 permit district directors and service centers in the IRS to authorize a payor to perform acts required of employers with respect to chapters 21 (FICA tax), 22 (RRTA tax), and 24 (federal income tax withholding) of the Code if the payor applies for such authorization. See Treas. Reg. § 31.3504–1(a). The Treasury Department and the IRS have separately proposed updating these regulations to remove the references to the district director and service center and to provide that the application by the payor (referred to therein as an ''agent'') must be signed by both the payor and employer and made on the form prescribed by the IRS and according to the instructions provided by the IRS. See Proposed Regulations § 31.3504–1(a), published in the **Federal Register** on January 13, 2010, (75 FR 1735–01).

Pursuant to section 3504 and the regulations, the IRS has established administrative procedures under which a payor may request authorization to file employment tax returns and perform other acts for the employer. Specifically, Revenue Procedure 70–6, 1970–1 CB 420, provides the general procedures for a payor to request authorization to act as an agent under section 3504 for FICA, income tax withholding, and RRTA purposes, and describes the agent's resulting reporting and filing requirements. Each employer for whom the agent is to act provides the payor with a signed IRS Form 2678, *Employer/Payer Appointment of Agent.* A payor seeking to act as an agent under section 3504 submits these Forms 2678 to the IRS. The IRS sends a letter to the agent once it has approved the application, and the appointment remains in effect until terminated by one of the parties. An agent with an approved Form 2678 files an aggregate Form 941 reporting FICA tax and income tax withholding for each tax return period using the agent's own EIN (regardless of the number of employers for whom the agent acts). Effective for periods on or after January 1, 2010, an agent with an approved Form 2678 must also complete and attach to the aggregate Form 941 a Schedule R (Form 941), *Allocation Schedule for Aggregate Form 941 Filers.* The agent uses Schedule R (Form 941) to allocate the aggregate information reported on Form 941 to each employer. Schedule R (Form 941) is attached to the Form 941 in every quarter for which the agent files an aggregate Form 941. See § 601.601(d)(2)(ii)(b). If an agent with an approved Form 2678 is acting for employers under the RRTA, the agent must report for each employer the taxable compensation as determined under RRTA with respect to each employer on an aggregate Form CT–1.

Consistent with the limitations in the current regulations, an agent with an approved Form 2678 is generally not authorized to perform the employment tax obligations of an employer with respect to the FUTA tax. Thus, an employer generally must continue to satisfy its FUTA tax obligations by filing a Form 940 using its own EIN. Proposed Regulation § 31.3504–1(b), however, provides a limited exception to the general rule regarding FUTA, which employers may rely on for periods beginning on or after January 1, 2010. The proposed regulation allows agents acting on behalf of employers receiving home care services to perform the acts of an employer required under Chapter 23 (FUTA tax). An agent that files an aggregate Form 940 under the limited exception must complete and attach to the Form 940 a Schedule R (Form 940), *Allocation Schedule for Aggregate Form 940 Filers.*

Generally, Forms W–2 filed with the SSA and furnished to employees must reflect the name and EIN of the agent with an approved Form 2678; however, special rules may apply if the agent is acting as an agent for two or more employers.

Payroll Service Providers (PSPs) and Reporting Agents

An employer may enter into an agreement with a payroll service provider (PSP) to prepare employment tax returns (including Forms 940 and 941) using the EIN of the employer for the signature of the employer. A PSP may also process the withholding, deposit, and payment of the associated employment taxes for the employer. A PSP is not liable under subtitle C of the Code as the employer, or as an agent of the employer, for the employer's employment taxes. An employer's use of a PSP does not relieve the employer of its employment tax obligations or liability for the taxes.

Generally, a reporting agent is a PSP that is authorized to sign and file certain employment tax returns on behalf of the employer using the employer's EIN, including Forms 940 and 941. A reporting agent may also process the withholding, deposit, and payment of

the associated employment taxes for the employer. The IRS has prescribed Form 8655, *Reporting Agent Authorization,* as the appropriate authorization form for an employer to use to designate a PSP as a reporting agent. Additional information concerning reporting agent authorizations may be found in Rev. Proc. 2012–32, 2012–35 I.R.B. 1. A reporting agent is not liable under subtitle C of the Code as the employer, or as an agent of the employer, for the employer's employment taxes. An employer's use of a reporting agent does not relieve the employer of its employment tax obligations or liability for the taxes.

Analyzing Three-Party Arrangements

In certain instances, an employer may mistakenly believe it is relieved of employment tax liabilities merely because it has entered into an agreement with a third-party payor (for example, a PEO or employee leasing company) for assistance in fulfilling its employment tax obligations. However, an employer remains liable for employment taxes irrespective of any agreement it may enter into that purports to place the employment tax obligations and liabilities with the payor, except in the limited circumstances when the payor satisfies the conditions to be liable under section 3401(d)(1). In this regard, status as the employer of the worker is determined based on all the facts and circumstances under the common law test (or under other specific Code provisions related to particular types of employees, such as corporate officers). Neither claims by a payor that it is the employer (or ''co-employer'') of the worker for federal employment tax or other purposes nor the fact that the payor may file employment tax returns under its own EIN are determinative under the Code for purposes of identifying the employer liable for employment taxes.

The application of the employment tax obligations in a three-party arrangement often requires an analysis of complex facts and circumstances that can vary widely. Consequently, the parties to an arrangement may not always understand which party or parties will be liable for any unpaid employment taxes. Even when there is no underlying dispute about the status of the workers as employees or that employment taxes are due with respect to the wages paid to the employees, the IRS must expend substantial resources to develop the facts to determine the liabilities of the parties. The Treasury Department and the IRS intend that these proposed regulations assist taxpayers and the IRS in determining the parties' employment tax obligations in a three-party arrangement when a payor has represented to its client that it will pay the employment taxes with respect to wages or compensation it pays to employees for services performed by employees for the client.

Explanation of Provisions

In General

The proposed regulations provide rules regarding employment tax obligations in certain three-party arrangements when the employer enters into an agreement with a third-party payor under which the payor performs the employment tax obligations of the client with regard to wages or compensation paid by the payor to individuals performing services for the client, but the payor does not meet the legal conditions necessary to be a section 3401(d)(1) employer, does not obtain an approved Form 2678, and is not a PSP or reporting agent. More specifically, the proposed regulations provide that, unless one of the enumerated exceptions discussed below applies, a payor is designated as an agent under section 3504 to perform the acts required of an employer with respect to wages or compensation paid by the payor to any individual performing services for any client pursuant to a service agreement (as defined in these proposed regulations) between the payor and the client.

The designation of a payor as an agent to perform acts of an employer under the proposed regulations addresses all federal employment taxes. Thus, for purposes of the proposed regulations, the term *wages* includes wages as defined for purposes of Chapters 21 (FICA tax), 23 (FUTA tax), and 24 (federal income tax withholding) of the Code, and the term *compensation* means compensation as defined for purposes of Chapter 22 (RRTA tax) of the Code. The rules in the proposed regulations regarding the designation of a payor as an agent required to perform acts of an employer are provided solely for purposes of determining liability for employment taxes under section 3504. No inference is intended that the same rules would apply for any other provision of the Code.

As required by section 3504 and consistent with the rules relating to agents authorized under § 31.3504–1(a), the proposed regulations provide that if a payor is designated as an agent to perform the acts of an employer, all provisions of law (including penalties) applicable with respect to an employer are applicable to that payor and that each employer for whom the payor is designated to act remains subject to all provisions of law (including penalties) applicable to an employer. However, consistent with the IRS's position on administering the section 6672 trust fund recovery penalty, under the proposed regulations the employment tax liability of an employer will be collected only once, whether from the payor or the employer.

Scope and Effect of Designation

Subject to the exceptions set forth in the proposed regulations, a payor is designated as an agent under section 3504 to perform the acts of an employer in any case in which the payor entered into a service agreement with a client. For this purpose, the term *service agreement* means a written or oral agreement pursuant to which the payor: (1) Asserts it is the employer (or ''co-employer'') of individuals performing services for the client, (2) pays wages or compensation to the individuals for services the individuals performed for the client, and (3) assumes responsibility to collect, report, and pay, or assumes liability for, any employment taxes with respect to the wages or compensation paid by the payor to the individuals who performed services for the client.

The first component of a service agreement is that the payor asserts it is the employer (or ''co-employer'') of individuals performing services for another individual or entity (the client). For purposes of these regulations, a payor may implicitly or explicitly assert it is the employer (or ''co-employer'') of individuals performing services for a client, including by agreeing to: (1) Recruit and hire employees or assign employees as permanent or temporary members of the client's workforce, or participate with the client in these actions; (2) hire the client's employees as its own and then provide them back to the client to perform services for the client; or (3) file employment tax returns using its own EIN that include wages or compensation paid to the individuals performing services for the client. A payor that is the common law employer of the individuals performing services for a client under all of the facts and circumstances, however, is not designated under the proposed regulations to perform the acts of an employer with respect to wages or compensation paid to such individuals (see ''Exceptions to Designation'') but is liable for employment taxes as the employer.

The second component of a service agreement is that the payor pays wages or compensation to the individuals performing services for its client. A

payor with legal control of the payment of wages or compensation within the meaning of section 3401(d)(1), however, is not designated under the proposed regulations with respect to such wages or compensation (see ''Exceptions to Designation'') but is liable for employment taxes as a section 3401(d)(1) employer.

The third component of a service agreement is that the payor assumes responsibility for the collection, reporting, and payment of, or assumes liability for, any employment taxes with respect to the wages or compensation paid by the payor to the individuals performing services for the client. Under the proposed regulations, a payor assumes the responsibility to collect, report, and pay the applicable taxes if the payor represents to the client that it would make any or all of the federal employment tax deposits and other payments required by law. A payor that is a PSP or reporting agent, however, is not designated under the proposed regulations with respect to such wages or compensation (see ''Exceptions to Designation'') if the payor files the employment tax returns reporting such wages or compensation under the client's EIN.

Exceptions to Designation

As mentioned above, the proposed regulations provide exceptions to when a payor is designated under section 3504 to perform the acts of an employer even if the payor has entered into an agreement that includes the components of a service agreement. The proposed regulations contain eight examples demonstrating the application or non-application of the proposed regulations to various factual scenarios.

First, the proposed regulations do not apply to the extent that the payor files employment tax returns under the client's EIN, reporting the wages or compensation paid to individuals performing services for the client. Thus, a reporting agent or a PSP that prepares returns using the employer's EIN is not designated under the proposed regulations.

Second, the proposed regulations do not affect the application of the common paymaster rules under sections 3121(s) and 3231(i). Therefore, a second exception provides that a common paymaster is not designated under the proposed regulations for wages or compensation it pays within the context of the concurrent employment arrangement described in section 3121(s) or 3231(i) and the related regulations.

Third, a payor is not designated under the proposed regulations if the person is the employer of the employees under the common law test (because the person has the right to control and direct the individual with regard to the details and means of performing services for the client) or under one of the other section 3121(d) provisions, or is a section 3401(d)(1) employer. Thus, a third exception provides that if the payor is the employer of the individuals performing services for a client, it is not designated as an agent under section 3504. The payor remains liable for payment of employment taxes, however, as the employer. For example, if a consulting firm contracts to provide consulting services to a client and the consulting firm directs and controls the employees providing the consulting services under the contract with regard to how to perform those services, the consulting firm is liable for employment taxes as the common law employer of the employees, not as a payor designated under the proposed regulations.

Designation Under Proposed Regulations Is Not the Exclusive Remedy for the IRS

The Treasury Department and the IRS recognize that the determination of the employer and the liabilities of the parties in a three-party arrangement is a factually and resource intensive undertaking involving multiple parties. The regulations as proposed will assist the IRS in cases in which a payor has represented to a client that the payor is liable for some or all of the client's employment tax obligations, but the payor has not received authorization to act as an agent through an approved Form 2678. However, the designation of a payor as an agent to perform the acts required of an employer under the proposed regulations will not preclude the IRS from asserting, in the alternative, that the payor is the common law employer (or an employer of an employee under one of the other section 3121(d) provisions) or the section 3401(d)(1) employer of individuals providing services for a client. Additionally, the fact that the IRS does not assert that a payor is designated as an agent to perform the acts required of an employer under the proposed regulations will not preclude the IRS from determining the payor's employment tax-related liability under other Code provisions (for example, the section 6672 trust fund recovery penalty).

Effective Applicability Date

These regulations are proposed to be effective the date the final regulations are published in the **Federal Register** and are applicable to wages or compensation paid by a payor in quarters beginning on or after the effective date to individuals performing services for its client pursuant to a service agreement.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this regulation, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written or electronic comments that are submitted timely to the IRS.

The IRS and Treasury Department request comments on the proposed regulations and are particularly interested in comments on the following issues:

(1) Whether the application of the definition of *service agreement* inappropriately results in a payor being designated an agent under section 3504, or inappropriately results in a payor failing to be designated an agent under section 3504;

(2) Whether additional exceptions are warranted; and

(3) Potential additional examples.

All comments will be available for public inspection and copying. A public hearing will be scheduled if requested in writing by any person that timely submits written comment. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Jeanne Royal Singley, Office of Division Counsel/ Associate Chief Counsel (Tax Exempt and Government Entities). However, personnel from other offices of the IRS and Treasury participated in their development.

List of Subjects in 26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 31 is proposed to be amended as follows:

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

■ **Paragraph 1.** The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 31.3504–2 is added to read as follows:

§ 31.3504–2 Designation of Payor as Agent to Perform Acts of an Employer.

(a) *In general.* A person (as defined in section 7701(a)(1)) that pays wages or compensation (''payor'') to the individual(s) performing services for any client pursuant to a service agreement, except as provided in paragraph (d) of this section, is designated as an agent to perform the acts required of an employer with respect to the wages or compensation paid. For purposes of this section the term *wages* has the same meaning as the term wages has for purposes of chapters 21, 23, and 24, and the term *compensation* has the same meaning as the term compensation has for purposes of chapter 22. This section is not applicable if the payor has been authorized as an agent of the employer under § 31.3504–1.

(b) *Definitions*—(1) *Client.* The term *client* means an individual or entity that enters into a service agreement with the payor.

(2) *Service agreement.* (i) The term *service agreement* means an agreement pursuant to which the payor:

(A) Asserts it is the employer (or ''co-employer'') of the individual(s) performing services for the client;

(B) Pays wages or compensation to the individual(s) for services the individual(s) perform for the client; and

(C) Assumes responsibility to collect, report, and pay, or assumes liability for, any taxes applicable under subtitle C of the Code with respect to the wages or compensation paid by the payor to the individual(s) performing services for the client.

(ii) For purposes of paragraph (b)(2)(i)(A) of this section, the payor may implicitly or explicitly assert it is the employer (or ''co-employer'') of the individual(s) performing services for the client, including by agreeing to:

(A) Recruit and hire employees for the client or assign employees as permanent or temporary members of the client's work force, or participate with the client in these actions;

(B) Hire the client's employees as its own and then provide them back to the client to perform services for the client; or

(C) File employment tax returns using its own EIN that include wages or compensation paid to the individual(s) performing services for the client.

(c) *Effects of designation.* If a payor is designated as an agent to perform the acts required of an employer under this section—

(1) A payor must perform the acts required of an employer under each applicable chapter of the Code and the relevant regulations with respect to the wages or compensation paid by such payor. All provisions of law (including penalties) and the regulations applicable to the employer are applicable to the payor so designated with respect to the wages or compensation paid by the payor; and

(2) Each employer for whom the payor is designated as an agent remains subject to all provisions of law (including penalties) and of the regulations applicable to an employer.

(d) *Exceptions.* A payor is not designated as an agent to perform the acts required of an employer under this section for any wages or compensation paid by the payor to the individual(s) performing services for a client to the extent that—

(1) The wages or compensation are reported on a return filed under the client's employer identification number (as defined in section 6109 and the applicable regulations);

(2) The payor is a common paymaster under sections 3121(s) or 3231(i); or

(3) The payor is the employer of the individual(s).

(e) *Examples.* The following examples illustrate the application of this section:

(1) *Example 1.* Corporation P enters into an agreement with Employer, effective January 1, 2013. Under the agreement, Corporation P hires the Employer's employees as its own employees and provides them back to Employer to perform services for Employer. Corporation P also assumes responsibility to make payment of the individuals' wages and for the collection, reporting, and payment of applicable taxes. For all pay periods in 2013, Employer provides Corporation P with an amount equal to the gross payroll (that is, wage and tax amounts) of the individuals, and Corporation P pays wages (less the applicable withholding) to the individuals performing services for Employer. Corporation P also reports the wage and tax amounts on Form 941, Employer's Quarterly Federal Tax Return, filed for each quarter of 2013 under Corporation P's employer identification number. Corporation P is not a common paymaster or the employer of the individuals. Corporation P is designated to perform the acts of an employer with respect to all of the wages Corporation P paid to the individuals performing services for Employer for all quarters of 2013. Employer and Corporation P are each subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages.

(2) *Example 2.* Same facts as *Example 1,* except that Corporation P only reports the wage and tax amounts on Form 941, Employer's Quarterly Federal Tax Return, filed for the 1st and 2nd quarters of 2013. Neither Corporation P nor Employer files returns for the 3rd and 4th quarters of 2013. Corporation P is designated to perform the acts of an employer with respect to all of the wages Corporation P paid to the individuals performing services for Employer for all quarters of 2013. Employer and Corporation P are each subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages.

(3) *Example 3.* Same facts as *Example 1,* except that neither Corporation P nor Employer reports the wage and tax amounts on Form 941, Employer's Quarterly Federal Tax Return for any quarter of 2013. Corporation P is designated to perform the acts of an employer with respect to all of the wages Corporation P paid to the individuals performing services for Employer for all quarters of 2013. Employer and Corporation P are each subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages.

(4) *Example 4.* Same facts as *Example 1,* except that Employer provides only net payroll (that is, wages less tax amounts) to Corporation P for each pay period. Corporation P is designated to perform the acts of an employer with respect to all of the wages Corporation P paid to the individuals performing services for Employer for all quarters of 2013. Employer and Corporation P are each subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages.

(5) *Example 5.* Same facts as *Example 1,* except that after Corporation P reports the wage and tax amounts on Form 941, Employer's Quarterly Federal Tax Return, filed for each quarter of 2013 under Corporation P's employer identification number, Corporation P files a claim for refund of the employment taxes it paid for each quarter of 2013 that are related to wages Corporation P paid to the individuals performing services for Employer. The basis for Corporation P's refund claim is that Corporation P is not the employer of the individuals that performed services for Employer. Corporation P is designated to perform the acts of an employer with respect to all of the wages Corporation P paid to the

individuals performing services for Employer for all quarters of 2013. Accordingly, Corporation P is not entitled to a refund. Employer and Corporation P are each subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages.

(6) *Example 6.* Corporation S enters into an agreement with Employer, effective January 1, 2013. Under the agreement, Corporation S provides payroll services, including payment of wages to individuals performing services for Employer, and assumes responsibility for the collection, reporting, and payment of applicable taxes. For all pay periods in 2013, Employer provides Corporation S with an amount equal to the gross payroll (that is, wage and tax amounts) of the individuals, and Corporation S pays wages (less the applicable withholding) to the individuals performing services for Employer. Corporation S also reports the wage and tax amounts on Form 941, Employer's Quarterly Federal Tax Return, filed for each quarter of 2013 under Employer's employer identification number. Corporation S is not designated to perform the acts of an employer with respect to all of the wages Corporation S paid to the individuals performing services for Employer for all quarters of 2013. Corporation S did not assert it was the employer and filed Forms 941 using Employer's employer identification number. Accordingly, Corporation S is not liable for the applicable employment taxes under this section. Employer remains subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages.

(7) *Example 7.* Corporation V enters into a consulting agreement with Manufacturer effective January 1, 2013, to provide consulting services to Manufacturer. Corporation V is responsible to pay wages to the individuals providing the consulting services to Manufacturer and to collect, report, and pay the applicable taxes. Corporation V has the right to direct and control the individuals as to when and how to perform the consulting services and, thus, is the common law employer of the individuals providing the consulting services. Corporation V is not designated to perform the acts of an employer with respect to all of the wages Corporation V paid to individuals providing consulting services to Manufacturer. However, as the common law employer of the individuals, Corporation V is subject to all provisions of law (including penalties) applicable in respect of employers with respect to such wages.

(8) *Example 8.* Corporation U and Employer execute and submit a Form 2678, *Employer/Payer Appointment of Agent,* to the Service, requesting approval to authorize Corporation U to report, deposit, and pay taxes with respect to wages it pays, as agent of Employer for purposes of Form 941, Employer's Quarterly Federal Tax Return. The Form 2678 is approved by the Service and effective for all quarters of 2013. Accordingly, Corporation U reports the wages it pays to individuals performing services for Employer and related tax amounts on Form 941 and Schedule R (Form 941), Allocation Schedule for Aggregate Form 941 Filers, filed for each quarter of 2013 under Corporation U's employer identification number. Corporation U is not designated under this section to perform the acts of an employer with respect to all of the wages Corporation U paid to the individuals performing services for Employer for all quarters of 2013. However, as an agent authorized under § 31.3504–1(a), Corporation U is subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages. Employer also remains subject to all provisions of law (including penalties) applicable in respect of employers for all quarters of 2013 with respect to such wages.

(f) *Effective/applicability date.* These regulations apply to wages or compensation paid by a payor in quarters beginning on or after the date of publication of the final regulations in the **Federal Register** to individuals performing services for the payor's client pursuant to a service agreement.

Steven T. Miller,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2013–01857 Filed 1–25–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

[SATS No. ND–052–FOR; Docket ID OSM–2012–0021]

North Dakota Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We are announcing receipt of a proposed amendment to the North Dakota regulatory program (hereinafter, the ''North Dakota program'') under the Surface Mining Control and Reclamation Act of 1977 (''SMCRA'' or ''the Act''). North Dakota intends to revise its program to be consistent with the corresponding Federal regulations, add a new subsection to an existing rule with general requirements on the format of electronic applications, and make a minor correction to a provision pertaining to a separate rule which was amended to no longer require renewal of a permit once lands in that permit are no longer being mined or used in the support of mining.

This document gives the times and locations that the North Dakota program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., m.s.t. February 28, 2013. If requested, we will hold a public hearing on the amendment on February 25, 2013. We will accept requests to speak until 4:00 p.m., m.s.t. on February 13, 2013.

ADDRESSES: You may submit comments by either of the following two methods:

Federal eRulemaking Portal: www.regulations.gov. This proposed rule has been assigned Docket ID: OSM–2012–0021. If you would like to submit comments through the Federal eRulemaking Portal, go to *www.regulations.gov* and follow the instructions.

- *Mail/Hand Delivery/Courier:* Jeffrey Fleischman, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, POB 11018, 150 East B Street, Casper, Wyoming 82601–1018.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''III. Public Comment Procedures'' in the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to viewing the docket and obtaining copies of documents at *www.regulations.gov,* you may review copies of the North Dakota program, this amendment, a listing of any public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may also receive one free copy of the amendment by contacting OSM's Casper Field Office.

Jeffrey Fleischman, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, P.O. Box 11018, 150 East B Street, Casper, Wyoming 82601–1018, (307) 261–6555, *jfleischman@osmre.gov.*

James Deutsch, Director, Reclamation Division, North Dakota Public Service Commission, 600 East Boulevard, Dept. 408, Bismarck, North Dakota 58505–0480, (701) 328–2251, *jdeutsch@nd.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Telephone: (307) 261–6555. Internet: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background on the North Dakota Program
II. Description of the Proposed Amendment
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IV. Procedural Determinations

I. Background on the North Dakota Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the North Dakota program on December 15, 1980. You can find background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and conditions of approval of the North Dakota program in the December 15, 1980 **Federal Register** (45 FR 82214). You can also find later actions concerning North Dakota's program and program amendments at 30 CFR 934.15, 934.16, and 934.30.

II. Description of the Proposed Amendment

By letter dated November 14, 2012, North Dakota sent us a proposed amendment to its program (Administrative Record Document ID No. OSM–2012–0021–0002) under SMCRA (30 U.S.C. 1201 *et seq.*). North Dakota sent the amendment in response to a October 2, 2009 letter (Document ID No. OSM–2012–0021–0004) that we sent to North Dakota in accordance with 30 CFR 732.17(c), and to include the changes made at its own initiative. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

Specifically, North Dakota proposes to add and change a number of rules in the North Dakota Administrative Code (NDAC) Section 69–5.2. The changes regard the use of OSM's Applicant Violator System (AVS) prior to the approval of permits, renewals and certain revisions. The proposed rule also contains procedures for coal operators to use if they want to submit challenges to information in the AVS. These changes are being proposed to bring North Dakota's coal program into compliance with the counterpart federal rules regarding the AVS and ownership and control. Additionally, North Dakota is submitting a proposed rule change that adds specificity to the format requirements of electronic applications and a change which updates a provision to no longer require the renewal of a permit once surface mining is completed and only reclamation work remains.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the North Dakota program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent Tribal or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed above (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at anytime. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.s.t. on February 13, 2013. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold the hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at a public hearing provide us with a written copy of his or her comments.

The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 28, 2012.

Allen D. Klein,

Director, Western Region.

[FR Doc. 2013–01873 Filed 1–28–13; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0648; EPA–R05–OAR–2012–0834; FRL–9773–4]

Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Cincinnati-Hamilton, Ohio, Ohio and Indiana 1997 8-Hour Ozone Maintenance Plan Revisions to Approved Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the request by Ohio and Indiana to revise the Cincinnati-Hamilton, 1997 8-hour ozone maintenance air quality State Implementation Plans (SIPs) to replace the previously approved motor vehicle emissions budgets (budgets) with budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) 2010a emissions model. The Ohio and Indiana portions of the Cincinnati-Hamilton area include the Ohio Counties of Butler, Clermont, Clinton, Hamilton, and Warren, Ohio and Lawrenceburg Township in Dearborn County, Indiana. Ohio submitted the SIP revision request to EPA on June 29, 2012. Indiana submitted the SIP revision request to EPA for parallel processing with a letter dated October 12, 2012, and followed up with a final submittal on December 11, 2012. Ohio and Indiana have submitted identical budgets which cover the Ohio and Indiana portions of the Cincinnati-Hamilton 1997 ozone maintenance area.

DATES: Comments must be received on or before February 28, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0648 for Ohio and EPA–RO5–OAR–2012–0834 for Indiana, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the states' SIP submittals as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: January 11, 2013.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2013–01726 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 78, No. 19
Tuesday, January 29, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 23, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by February 28, 2013 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Tuberculosis.

OMB Control Number: 0579–0146.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13 2002, the Farm Security and Rural Investment Act of 2002. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. In connection with this mission, the Animal and Plant Health Inspection Service (APHIS) participates in the Cooperative State-Federal Bovine Tuberculosis Eradication Program, which is a national program to eliminate bovine tuberculosis from the United States. This program is conducted under the authorities of the various States supplemented by Federal authorities regulating interstate movement of affected animals.

Need and Use of the Information: APHIS will collect reports, requests, forms, certificates, plans, MOUs, permits, and records for zoning, testing, and animal movement. Without the information, APHIS would not be able to operate an effective tuberculosis surveillance, containment, and eradication program.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 5,000.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 24,499.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–01790 Filed 1–28–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this Notice announces the Rural Business-Cooperative Service intention to request an extension to a currently approved information collection for the Rural Microentrepreneur Assistance Program (RMAP).

DATES: Comments on this notice must be received by April 1, 2013 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Robert Fry, Specialty Programs Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Washington, DC 20250–3225, Telephone (202) 260–8625, Fax (202) 720–2213, *Robert.fry@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Rural Microentrepreneur Assistance Program.

OMB Number: 0570–0062.

Expiration Date of Approval: May 31, 2013.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The purpose of the RMAP program is to support the development and ongoing success of rural microentrepreneurs and microenterprises. Direct loans and grants are made to selected Microenterprise Development Organizations (MDOs).

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4.2 hours per response.

Respondents: Nonprofits, Indian Tribes and Public Institutions of Higher Education

Estimated Number of Respondents: 81

Estimated Number of Responses per Respondent: 2,006

Estimated Total Annual Burden Hours on Respondents: 3,671 hours

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, 1400 Independence Avenue SW., STOP 0742, Washington, DC 20250. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record.

Dated: January 15, 2013.

Lillian Salerno,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–01878 Filed 1–28–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Pilot Test of the Elwha River Dam Removal and Floodplain Restoration Ecosystem Service Valuation Project Survey.

OMB Control Number: None.

Form Number(s): NA.

Type of Request: Regular submission (request for a new information collection).

Number of Respondents: 1,300.

Average Hours per Response: 30 minutes.

Burden Hours: 650.

Needs and Uses: National Ocean Services' Office of Response and Restoration, Assessment and Restoration Division and the National Marine Fisheries Services' Office of Habitat Conservation are requesting approval for a new information collection to conduct a pilot study to test the Elwha River Dam Removal and Floodplain Restoration Ecosystem Service Valuation Survey it has developed.

The removal of two hydroelectric dams on the Elwha River is one of the largest dam-removal projects in U.S. history. This project, along with restoration actions planned for the floodplain and drained reservoir basins, will have numerous impacts to people of the surrounding region. Impacted groups include recreators who engage in river activities such as fishing and rafting, reservoir users, and members of Native American tribes for whom the river has cultural, environmental, and economic significance. The dam removal and restoration actions could also have value to people throughout the Pacific Northwest, regardless of whether they visit the Elwha River or Olympic Peninsula. Such nonuse value may be significant because the dam removal and habitat restoration will restore the river to more natural conditions and will restore populations of salmon and other fish species as well as forests and wildlife. This project will also address an important gap in research on indirect and nonuse values provided by habitat restoration.

A study of the value of ecological restoration is of particular interest in this location because significant baseline ecological data are available to allow a comparison of ecological values with some of the more obvious use losses associated with the reservoir. The ability to link results of the study to precise measures of ecosystem changes will be useful in applying the study to future restoration sites, enabling NOAA to evaluate a broader range of ecosystem services provided by future restoration actions.

NOAA has developed a nonmarket valuation survey to administer to people living in Washington and Oregon. This survey has been tested with small focus groups and one-on-one interviews to ensure the survey questions and choice scenarios presented are accurate, easily understood, and the least burdensome. The next step in the survey development process is to administer a draft survey instrument to test several, complex methodological approaches for presenting information to respondents. In particular, NOAA plans to test variations of the choice table.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: January 23, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–01741 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 130114045–3045–01]

XRIN 0691–XC008

BE–125: Quarterly Survey of Transactions in Selected Services and Intellectual Property With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons (BE–125). This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended).

SUPPLEMENTARY INFORMATION: This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of the U.S. person's fiscal quarter, except for the final quarter of the U.S. person's fiscal year when

reports must be filed within 90 days. The BE–125 survey forms and instructions are available on the BEA Web site at *www.bea.gov/surveys/iussurv.htm.*

Definitions:

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States. United States, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(c) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

Who Must Report: Reports are required from each U.S. person who: (a) Had sales of covered services or intellectual property to foreign persons that exceeded $6 million for the previous fiscal year or are expected to exceed that amount during the current fiscal year, or (b) had purchases of covered services or intellectual property from foreign persons that exceeded $4 million for the previous fiscal year or are expected to exceed that amount during the current fiscal year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both sales and purchases. Entities required to report will be contacted individually by the Bureau of Economic Analysis (BEA). Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey is intended to collect information on U.S. international trade in selected services and intellectual property for which information is not collected on other BEA surveys and is not available to BEA from other sources.

How To Report: Reports can be filed via BEA's electronic reporting system at *www.bea.gov/efile.* Additionally, copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained from the BEA Web site given above in the Summary. Inquiries can be made to BEA at (202) 606–5588.

When To Report: Reports are due to BEA 45 days after the end of the fiscal quarter, except for the final quarter of the reporter's fiscal year when reports must be filed within 90 days.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0067. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual public reporting burden for this collection of information is 16 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington DC 20503.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 2013–01842 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket Number 130114042–3042–01]

XRIN 0691–XC006

BE–37: Survey of U.S. Airline Operators' Foreign Revenues and Expenses

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting a mandatory survey titled Survey of U.S. Airline Operators' Foreign Revenues and Expenses (BE–37). This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended).

SUPPLEMENTARY INFORMATION: This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of each calendar quarter. The BE–37 survey forms and instructions are available on the BEA Web site at *www.bea.gov/surveys/iussurv.htm.*

Definitions:

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the U.S. or subject to the jurisdiction of the U.S. United States, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories of the United States.

(c) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

Who Must Report: Reports are required from each U.S person whose total covered revenues or total covered expenses: (a) Were $500,000 or more during the previous year or (b) are expected to be $500,000 or more during the current year. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey is intended to collect information on U.S. airline operators' foreign revenues and expenses.

How To Report: Reports can be filed via BEA's electronic reporting system at *www.bea.gov/efile.* Additionally, copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained from the BEA Web site given above in the Summary. Inquiries can be made to BEA at (202) 606–5588.

When To Report: Reports are due to BEA 45 days after the end of each calendar quarter.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual public reporting burden for this collection of information is 4 hours per response. Send comments

regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington, DC 20503.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 2013–01845 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States—Peru Trade Promotion Agreement (US–PERU TPA)

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On behalf of the Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 1, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Mease, Office of Textiles and Apparel, Telephone: 202–482–3400, Fax: 202–482–0858, Email: *Laurie.Mease@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States and Peru negotiated the US-Peru Trade Promotion Agreement (the ''Agreement''), which entered into force on February 1, 2009. Subject to the rules of origin in Annex 4.1 of the Agreement, pursuant to the textile provisions of the Agreement, fabric, yarn, and fiber produced in Peru or the United States and traded between the two countries are entitled to duty-free tariff treatment. Annex 3–B of the Agreement also lists specific fabrics, yarns, and fibers that the two countries agreed are not available in commercial quantities in a timely manner from producers in Peru or the United States. The fabrics listed are commercially unavailable fabrics, yarns, and fibers, which are also entitled to duty-free treatment despite not being produced in Peru or the United States.

The list of commercially unavailable fabrics, yarns, and fibers may be changed pursuant to the commercial availability provision in Chapter 3, Article 3.3, Paragraphs 5–7 of the Agreement. Under this provision, interested entities from Peru or the United States have the right to request that a specific fabric, yarn, or fiber be added to, or removed from, the list of commercially unavailable fabrics, yarns, and fibers in Annex 3–B.

Chapter 3, Article 3.3, paragraph 7 of the Agreement requires that the President ''promptly publish'' procedures for parties to exercise the right to make these requests. The President delegated the responsibility for publishing the procedures and administering commercial availability requests to the Committee for the Implementation of Textile Agreements (CITA), which issues procedures and acts on requests through the U.S. Department of Commerce, Office of Textiles and Apparel (''OTEXA'') (See Proclamation No. 8341, 74 FR 4105). Interim procedures to implement these responsibilities were published in the **Federal Register** on August 14, 2009. See Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States-Peru Trade Promotion Agreement Implementation Act and Estimate of Burden for Collection of Information, (74 FR 41111).

The intent of the U.S.-Peru TPA Commercial Availability Procedures is to foster the use of U.S. and regional products by implementing procedures that allow products to be placed on or removed from a product list, on a timely basis, and in a manner that is consistent with normal business practice. The procedures are intended to facilitate the transmission of requests; allow the market to indicate the availability of the supply of products that are the subject of requests; make available promptly, to interested entities and the public, information regarding the requests for products and offers received for those products; ensure wide participation by interested entities and parties; allow for careful review and consideration of information provided to substantiate requests and responses; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

CITA must collect certain information about fabric, yarn, or fiber technical specifications and the production capabilities of Peruvian and U.S. textile producers to determine whether certain fabrics, yarns, or fibers are available in commercial quantities in a timely manner in the United States or Peru, subject to Section 203(o) of the US–PERU TPA.

II. Method of Collection

Participants in a commercial availability proceeding must submit public versions of their Requests, Responses or Rebuttals electronically (via email) for posting on OTEXA's Web site. Confidential versions of those submissions which contain business confidential information must be delivered in hard copy to OTEXA.

III. Data

OMB Control Number: 0625–0265.

Form Number(s): N/A.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 16 (10 for Requests; 3 for Responses; 3 for Rebuttals).

Estimated Time per Response: 8 hours per Request, 2 hours per Response, and 1 hour per Rebuttal.

Estimated Total Annual Burden Hours: 89.

Estimated Total Annual Cost to Public: $5,340

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 23, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–01732 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–916]

Laminated Woven Sacks From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on laminated woven sacks (''sacks'') from the People's Republic of China (''PRC''). The period of review (''POR'') is August 1, 2011, through July 31, 2012. The review covers one exporter of subject merchandise, Zibo Aifudi Plastic Packaging Co., Ltd. (''Aifudi''). We have preliminarily determined that Aifudi failed to demonstrate its eligibility for a separate rate. Accordingly, we are treating the company as part of the PRC-wide entity and subject to the PRC-wide rate.

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the order [1] is laminated woven sacks. Laminated woven sacks are bags or sacks consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene (''BOPP'') or to an exterior ply of paper that is suitable for high quality print graphics.[2] Effective July 1, 2007, laminated woven sacks are classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 6305.33.0050 and 6305.33.0080. Laminated woven sacks were previously classifiable under HTSUS subheading 6305.33.0020.[3] The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.

Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (''the Act''). Because the sole mandatory respondent, Aifudi, was unresponsive to the Department's request for information, failed to provide the requested information by the deadline, and thus failed to establish its eligibility for a separate rate, Aifudi is being treated as part of the PRC-wide entity. As a result, the PRC-wide entity is now under review. In making our preliminary determination with respect to the PRC-wide entity, we have relied on facts available and, because an element of the PRC-wide entity, Aifudi, failed to act to the best of its ability in complying with the Department's request for information, we have drawn an adverse inference in selecting from among the facts otherwise available.[4]

For a full description of the methodology underlying our conclusions, please see the Preliminary Decision Memo, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memo is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memo can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Preliminary Decision Memo and the electronic version of the Preliminary Decision Memo are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following dumping margin exists for the period August 1, 2011, through July 31, 2012:

Exporter	Margin (percent)
PRC-Wide Entity (including Zibo Aifudi Plastic Packaging Co., Ltd.)	91.73

Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.[5] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7] Case and rebuttal briefs should be filed using IA ACCESS.[8]

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically via IA ACCESS.[9] An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[10] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Unless extended, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (''CBP'')

[1] *See Notice of Antidumping Duty Order: Laminated Woven Sacks From the People's Republic of China,* 73 FR 45941 (August 7, 2008) (''*Order*'')

[2] *See* ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Laminated Woven Sacks from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, (''Preliminary Decision Memo''), dated concurrently with these results for a complete description of the Scope of the Order.

[3] Additional HTSUS considerations apply. *See* Preliminary Decision Memo.

[4] *See* sections 776(a) and (b) of the Act.

[5] *See* 19 CFR 351.309(c).

[6] *See* 19 CFR 351.309(d).

[7] *See* 19 CFR 351.309(c)(2) and (d)(2).

[8] *See* 19 CFR 351.303.

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.310(c).

shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication of the final results of this review. Where assessments are based upon total facts available, including total adverse facts available, we instruct CBP to assess duties at the adverse facts available margin rate. If these preliminary results are unchanged in the final results, then the Department intends to instruct CBP to assess antidumping duties on POR entries of the subject merchandise produced or exported by the PRC-wide entity (including Aifudi) at the rate of 91.73 percent of the entered value.[11] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable. The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported by companies examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the NME-wide rate.[12]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters (including Aifudi) of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: January 22, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Aifudi as Part of the PRC-Wide Entity.
2. Application of Facts Available to the PRC-Wide Entity.
3. Application of Adverse Facts Available to the PRC-Wide Entity.
4. Selection of Adverse Facts Available Rate.
5. Corroboration of Information.

[FR Doc. 2013–01847 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* 19 CFR 351.212(b)(1).

[12] *See* Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties, 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Marine Recreational Information Program Longitudinal Survey of Recreational Fishing Participation

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 1, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dave Van Voorhees, (301) 427–8189 or *Dave.Van.Voorhees@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

Marine recreational anglers are surveyed to collect catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as amended, regarding conservation and management of fishery resources.

Marine recreational fishing participation data have been collected through a combination of mail surveys, telephone surveys and on-site intercept surveys with recreational anglers. Amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) require the development of an improved data collection program for recreational fisheries. To meet these requirements, NOAA Fisheries is designing and testing new approaches for sampling and surveying recreational anglers.

This data collection will test the effectiveness of a longitudinal panel study for contacting anglers and determining how many individuals participate in recreational saltwater fishing. The goal of the study is to assess the feasibility of the data collection design for collecting recreational fishing data, as well as testing assumptions and measuring potential sources of error in ongoing recreational fishing surveys.

II. Method of Collection

Information will be collected through mail surveys.

III. Data

OMB Control Number: None.
Form Number: None.
Type of Review: Regular submission (request for a new information collection).
Affected Public: Individuals or households.

Estimated Number of Respondents: 5,131.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 1,596.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 23, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–01743 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northwest Region Federal Fisheries Permits

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 1, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kevin Ford, (206) 526–6115 or email at *kevin.ford@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a revision and extension of a currently approved information collection.

The Magnuson-Stevens Act (16 U.S.C. 1801) provides that the Secretary of Commerce is responsible for the conservation and management of marine fisheries resources in Exclusive Economic Zone (3–200 miles) of the United States (U.S.). NOAA Fisheries, Northwest Region manages the Pacific Coast Groundfish Fishery in the Exclusive Economic Zone (EEZ) off Washington, Oregon, and California under the Pacific Coast Groundfish Fishery Management Plan. The regulations implementing the Pacific Groundfish Fishery require that those individuals participating in the limited entry fishery have a valid limited entry permit. Participation in the fishery and access to a limited entry permit has been restricted to control the overall harvest capacity.

NOAA Fisheries seeks comment on the extension of permit information collections required for: (1) Renewal and transfer of Pacific Coast Groundfish limited entry permits; (2) implementation of certain provisions of the sablefish permit stacking program as provided for at 50 CFR 660.231 and 660.25; and (3) issuing and fulfilling the terms and conditions of certain exempted fishing permits (EFPs).

Each year permit owners are required to renew their permits by reviewing their current permit information, providing updated address and contact information as necessary and certifying that the permit information is correct. In addition, certain permit owners are required to respond to specific questions related to their participation in the fishery. Similarly, a permit owner is required to request changes in a vessel registered to the permit and/or changes in the permit owner or vessel owner. Additional information may be requested from the permit owner to determine compliance with groundfish regulations. The regulations implementing the limited entry program are found at 50 CFR Part 660, Subpart G.

Also, NOAA Fisheries requires an information collection to implement certain aspects of the sablefish permit stacking program which prevents excessive fleet consolidation. As part of the annual renewal process, NOAA Fisheries requires a corporation or partnership that owns or holds (as vessel owner) a sablefish endorsed permit to provide a complete ownership interest form listing all individuals with ownership interest in the entity. Similarly, any sablefish endorsed permit transfer involving registration of a business entity requires an ownership interest form. This information is used to determine if individuals own or hold sablefish permits in excess of the limit of 3 permits. Also, for transfer requests made during the sablefish primary season (April 1st through October 31st), the permit owner is required to report the remaining tier pounds not yet harvested on the sablefish endorsed permit at the time of transfer.

Applicants for an exempted fishing permit (EFP) must submit written information that allows NOAA Fisheries and the Pacific Fishery Management Council to evaluate the proposed exempted fishing project activities and weigh the benefits and costs of the proposed activities. The Council makes a recommendation on each EFP application and for successful applicants, NOAA Fisheries issues the EFPs which contains terms and conditions for the project including various reporting requirements. The information included in an application is specified at 50 CFR 600.745(b)(2) and the Council Operating Procedure #19. Permit holders are required to file preseason harvest plans, interim and/or final summary reports on the results of the project and in some cases individual vessels and other permit holders are required to provide data reports (logbooks and/or catch reports). There is also a requirement of vessel owners/operator to make a call-in notification prior to the fishing trip under an EFP. The results of EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fishery, provide access to constrained stocks which directly measuring the bycatch associated with such strategies and evaluate/revise current and proposed management measures.

The currently approved application and reporting requirements are being revised in minor ways. Tentatively, the National Marine Fisheries Service (NMFS) anticipates adding a mandatory question to the renewal form to determine if a permit owner registered to a permit is considered a small

business as defined by the Small Business Act. This information assists regional staff in preparing initial and final regulatory flexibility analyses (IRFA/FRFA) analyses required as part of various rulemakings.

In addition, NMFS anticipates making a minor change to the certification statement on the ownership interest, transfer and renewal forms to be consistent with other certification statements given on other forms. Specifically, the certification statement will include a clause that the individual making the certification (signing the form) is authorized to do so.

II. Method of Collection

Renewal forms are mailed to all permit owners and they may respond by mail or request access from NOAA Fisheries (user ID and password) to renew using the online permit renewal system. Ownership interest forms and permit transfer forms are available from the region's Web site but must be submitted to NOAA Fisheries by mail or in person. Applications for an exempted fishing permit must be submitted in a written format. The exempted fishing permit data reports may be submitted in person, faxed, submitted by telephone or emailed by the monitor, plant manager, vessel owner or operator to NOAA Fisheries or the states of Washington, Oregon, or California.

III. Data

OMB Control Number: 0648–0203.

Form Number: None.

Type of Review: Regular submission (revision and extension of a currently approved collection).

Affected Public: Non-profit institutions, State, local, or tribal government; business or other for-profit organizations.

Estimated Number of Annual Respondents: 516.

Estimated Time per Response: Permit renewals, 20 minutes; Permit transfers, 30 minutes; Sablefish ownership interest form, 30 minutes ; EFP Applications, 32 hours; EFP Trip Notifications 2 minutes; EFP Harvest Plans: 16 hours; EFP Data Reports: Logbook, 2 hours; bi-weekly catch report, 30 minutes; EFP Summary Reports: Interim report, 8 hours; final report, 40 hours.

Estimated Total Annual Burden Hours: 1,819 hour.

Estimated Total Annual Cost to Public: $55,118.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 23, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–01744 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Tilefish Advisory Panel will hold a public meeting.

DATES: The meeting will be held on February 05, 2013, from 9 a.m. until noon.

ADDRESSES: The meeting will be held via webinar with a telephone-only connection option. Details on webinar registration and telephone-only connection details are available at: *http://www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review fishery performance and create an Advisory Panel Fishery Performance Report for Tilefish in preparation for the Scientific and Statistical Committee visitation/review of the established Tilefish ABC for 2014.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the MAFMC's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: January 24, 2012.

William D. Chappell,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–01853 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB155

Endangered Species; File No. 17095–01

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for a permit modification.

SUMMARY: Notice is hereby given that Entergy Nuclear Operations Inc., 450 Broadway, Suite 3, Buchanan, NY 10511, has requested a modification to scientific research Permit No. 17095 authorizing scientific research on endangered shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*).

DATES: Written, telefaxed, or email comments must be received on or before February 28, 2013.

ADDRESSES: The modification request and related documents are available for review by selecting ''Records Open for

Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov/,* and then selecting File No. 17095–01 from the list of available applications. These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427–8401; fax (301)713–0376; and

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281–9328; fax (978)281–9394.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1 Comments@noaa.gov.* Please include the File No. 17095–01 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on the application(s) would be appropriate.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead or Colette Cairns, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 17095, issued on April 11, 2012 (77 FR 21750), is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 17095 currently authorizes the Permit Holder to: Monitor shortnose and Atlantic sturgeon abundance and distribution through the Hudson River Biological Monitoring Program (HRBMP) in the Hudson River from River Mile 0 (Battery Park, Manhattan, NY) to River Mile 152 at Troy Dam (Albany, NY). Researchers are authorized to non-lethally capture, handle, measure, weigh, scan for tags, insert passive integrated transponder and dart tags, photograph, tissue sample, and release up to 82 shortnose sturgeon and 82 Atlantic sturgeon annually. Additionally, researchers are permitted to lethally collect up to 40 shortnose sturgeon and up to 40 Atlantic sturgeon eggs and/or larvae (ELS) annually.

To account for a higher than expected catch per tow sampling performed authorized under Permit No. 17095, the Permit Holder now wishes to increase the takes authorized for of juvenile, sub-adult and adult Atlantic sturgeon to 200 fish per year. Take would not exceed a total of 600 Atlantic sturgeon captured over the permit life. The Permit Holder also requests that the sampling activities for juvenile, sub-adult and adult shortnose sturgeon and Atlantic sturgeon be expanded to include upper New York Harbor (~River Mile -2.0). The amount of lethal collection of Atlantic and shortnose sturgeon ELS would remain the same. The modification would be valid until the permit expires August 28, 2017.

Dated: January 23, 2013.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–01852 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Patent Processing (Updating).

Form Number(s): PTO/SB/08a/08b, eIDS, PTO/SB/17i, PTO/SB/21–22, PTO/SB/24–27, PTO/AIA/22, PTO/SB/24B, PTO/AIA/24, PTO/AIA/24B, PTO/SB/30–33, PTO/AIA/31–33, PTO/SB/35–39, PTO/SB/43, PTO/SB/61, PTO/SB/63–64, PTO/SB/64a, PTO/SB/67–68, PTO/SB/91–92, PTO/SB/96–97, PTO/AIA/96, PTO/SB/130, PTO–2053–A/B, PTO–2054–A/B, PTO–2055–A/B, PTOL/413A & 413C, and EFS-Web.

Agency Approval Number: 0651–0031.

Type of Request: Revision of a currently approved collection.

Burden: 11,972,191 hours annually.

Number of Respondents: 4,827,580 responses per year, with an estimated 1,255,171 (26%) submitted by small entities.

Avg. Hours per Response: The USPTO estimates that it will take the public an average of 1 minute, 48 seconds (0.03 hours) to 10 hours to complete either the paper or the electronic versions of the information described in this submission, depending on the nature of the information. This estimated time includes gathering the necessary information, creating the documents, and submitting the completed requests to the USPTO.

Needs and Uses: During the pendency of a patent application or the period of enforceability of a patent, situations arise that require collection of information for the USPTO to further process the patented file or the patent application. This information can be used by the USPTO to continue the processing of the patent or application or to ensure that applicants are complying with the patent regulations. These situations involve responses filed by applicants to various USPTO actions and may include information disclosures and citations; requests for extensions of time; the establishment of small entity status; abandonment or revival of abandoned applications; disclaimers; appeals; expedited examination of design applications; transmittal forms; requests to inspect, copy and access patent applications; publication requests; and certificates of mailing/transmission.

Affected Public: Individuals or households; businesses or other for-profits; and non-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov.*

Paper copies can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0031 copy request'' in the subject line of the message.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before February 28, 2013 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: January 23, 2013.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2013–01736 Filed 1–28–13; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments if any.

DATES: Comments must be submitted on or before February 28, 2013.

FOR FURTHER INFORMATION OR A COPY CONTACT: Sonda R. Owens at CFTC, (202) 418–5182; FAX: (202) 418–5414; email: *sowens@cftc.gov* and refer to OMB Control No. 3038–0031.

SUPPLEMENTARY INFORMATION:

Title: Procurement Contracts, OMB Control No. 3038–0031. This is a request for extension of a currently approved information collection.

Abstract: This information collection consists of procurement activities relating to solicitations, amendments to solicitations, requests for quotations, construction contracts, awards of contracts, performance bonds, and payment information for individuals (vendors) or contractors engaged in providing supplies or services.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 21, 2012 (77 FR 69806).

Burden statement: The respondent burden for this collection is estimated to average 1 hour per response. This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information. The numbers contained in this justification differ from those in the 60-day notice because of a revised estimate of the number of respondents.

Respondents/Affected Entities: 214.

Estimated number of responses: 214.

Estimated total annual burden on respondents: 548 hours.

Frequency of collection: annually.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0031 in any correspondence.

Sonda R. Owens, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Office for CFTC, 725 17th Street, Washington, DC 20503.

Comments may also be submitted by any of the following methods:

The agency's Web site at *http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.

Mail: Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. *Hand Delivery/Courier:* Same as mail above.

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Please submit your comments using only one method and identity that it is for the renewal of this **Federal Register** notice.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in Section 145.9 of the Commission's regulations.

Issued this 23rd day of January, 2013, by the Commission.

Stacy D. Yochum,

Counsel to the Executive Director.

[FR Doc. 2013–01724 Filed 1–28–13; 8:45 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Proposed Collection; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the Bureau is soliciting comments concerning the information collection requirements related to evaluating the training programs and practices involved in training front-line case managers to provide information and education designed to improve the financial outcomes and capability of consumers, particularly low-income consumers, pursuant to the Bureau's authorities under the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law No. 111–203 (Dodd-Frank Act).

DATES: Written comments are encouraged and must be received on or before April 1, 2013 to be assured of consideration.

ADDRESSES: You may submit comments by any of the following methods:

- *Electronic: CFPB_Public_PRA@cfpb.gov.*
- *Mail/Hand Delivery/Courier:* Direct all written comments to Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.

Instructions: Submissions should include agency name and Program Evaluation of Financial Empowerment Training Programs Comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–9575. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. You should only submit

information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the documents contained under this approval number should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or through the internet at *CFPB_Public_PRA@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

Title: Clearance for Program Evaluation of Financial Empowerment Training Programs.

OMB Number: 3170–XXXX.

Summary of Collection: The Bureau's Office of Financial Empowerment (Empowerment) is responsible for developing strategies to improve the financial capability of low income and economically vulnerable consumers. The proposed collections will focus on evaluating (1) for recruitment purposes, the cohort of organization-based trainers that will pilot and perform the training; (2) the training practices and programs that are designed to enhance the ability of caseworkers to inform and educate low income consumers about managing their finances and strategies for making choices among available financial products and services available to them; (3) the evaluation tool that the trainers will use to determine the effectiveness of the training; and (4) the scope of workshop participants' use of the training. The Bureau expects to collect qualitative data through in-person, telephone, or Internet based surveys. The information collected through qualitative evaluation methods will increase the Bureau's understanding of what elements of training programs and practices can improve caseworker interaction with and assistance to their clients in ways that can improve outcomes for consumers, particularly low income.

Type of Review: New Collection.

Affected Public: Individuals, government social services entities, and not-for-profit institutions.

Annual Burden Estimates: Below is a preliminary estimate of the aggregate burden hours for the evaluation training programs and practices.

Data collection activity	Timing of data collection	Proposed information collected	Respondents			
			Type	Number	Burden per	Total burden
(1) Recruitment Information Form.	Once during recruitment process, before initial training is held.	Information relevant to the selection of pilot trainers for the field test.	Potential Pilot Trainers.	50	10 minutes	8 hours, 20 minutes.
(2) Evaluation Surveys from Pilot Trainers.	Immediately following case manager trainings held by pilot trainers.	Pilot trainers' reactions to the training toolkit after they have used it to train case managers, including:. • Description of how the toolkit was used, including which modules were used and whether any modifications were made. • Description of the audience of the training (*e.g.,* organization for whom the participants work, their target client audience). • Perceived engagement/reaction of case managers. • Any problems/concerns that arose as they used the toolkit (*e.g.,* gaps that need to be filled). • Suggestions for how the toolkit could be improved.	Pilot Trainers ...	25	20 minutes	8 hours, 20 minutes.
(3) Training Evaluation Forms.	Immediately following case manager trainings held by pilot trainers.	Case managers' reactions to the training they received, including:. • Clarity of information ..... • Usefulness of content ..... • Extent to which they expect to use the resources/materials provided. • Extent to which they feel more comfortable discussing financial topics with clients, and the impact of the training on their comfort level. • Feedback on training tools and suggestions for improvement.	Case Managers Trained by Pilot Trainers.	[1] 1,250	15 minutes	31 hours, 15 minutes.

Data collection activity	Timing of data collection	Proposed information collected	Respondents			
			Type	Number	Burden per	Total burden
		• Feedback on knowledge and skill of the pilot trainer.				
(4) Telephone Focus Groups.	End of six-month field test period.	Get pilot trainers' feedback on the effectiveness of the toolkit through one or more telephone focus groups.[2] Topics would include:. • Their experiences conducting trainings using the toolkit. • Strengths and weaknesses of the toolkit. • Perceived reaction of case managers to toolkit content.	Pilot Trainers ...	25	1 hour	25 hours.
(5) Recruitment Information Form.	Once during recruitment process, before initial training is held.	Information relevant to the selection of organizations for Phase 2.	Potential organization-based Trainers.	20	30 minutes	10 hours.
(6) Evaluation Surveys from Phase 2 Trainers.	Immediately following trainings led by trainers.	Phase 2 Trainers' reactions to the training toolkit after they have used it to train case managers, including:. • Description of how the toolkit was used, including which modules were used and whether any modifications were made. • Description of the audience of the training (*e.g.,* organization for whom the participants work, their target client audience). • Description of mode of delivery (in person, webinar, etc.). • Perceived engagement/reaction of case managers. • Any problems/concerns that arose as they used the toolkit (*e.g.,* gaps that need to be filled).	Trainers	[3] 20	20 minutes	6 hours, 40 minutes.
(7) Case Manager Log.	Three months and six months from date of case manager training.	Information about case managers' use of what they learned through the trainings, including:. • Number of clients with whom they have discussed financial information. • Number of referrals they have made to other financial resources (*e.g.,* counselors). • Any problems or obstacles encountered (*e.g.,* client requests that case manager did not know how to address).	Case Managers trained by pilot trainers and Phase 2 trainers.	7,000	10 minutes for each of two surveys.	4,666 hours and 40 minutes.
(8) Survey of Case Managers.	End of six-month field test period.	Final input from case managers on the utility of what they learned through the training, including:.	Case Managers	7,000	10 minutes	116 hours, 40 minutes.

Data collection activity	Timing of data collection	Proposed information collected	Respondents			
			Type	Number	Burden per	Total burden
		• Extent to which they have found the training they received to be relevant to their work. • Their comfort level discussing financial topics with clients, and how their comfort level changed after attending the training. • Extent to which they believe the training they received has impacted their work, and how.				

[1] Based on assumption that each trainer will hold workshops that train 50 case managers.
[2] While similar information would be collected through the pilot trainer evaluation forms that the pilot trainers complete after holding each of their case manager trainings, we believe that focus group discussions might elicit additional insights from the pilot trainers, and would also allow for collection of more detailed information and participant suggestions.
[3] Based on assumption of two trainers per organization selected.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information shall have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methodology and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: January 17, 2013.

Chris Willey,

Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2013–01439 Filed 1–28–13; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0009]

Privacy Act of 1974; System of Records

AGENCY: Defense Security Service, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Defense Security Service is amending a system of records notice from its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on March 1, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before February 28, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie Blake, Defense Security Service, Office of FOIA/PA, 27130 Telegraph Road, Quantico, VA 22314 or at (571) 305–6740.

SUPPLEMENTARY INFORMATION: The Defense Security Service systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 24, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

V5–04

SYSTEM NAME:

Counterintelligence Issues Database (CII–DB) (August 17, 1999, 64 FR 44704).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Defense Security Service, Counterintelligence Directorate, 27130 Telegraph Road, Quantico, VA 22134–2253.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''Provides a central database to document, refer, track, monitor and

evaluate Counterintelligence indicators/issues surfaced during Personnel Security Investigations and through Administrative Inquiries.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records and electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Name and file number and/or any entry in the database.''

SAFEGUARDS:

Delete entry and replace with ''Printed paper records are contained and stored in regulation safes/filing cabinets which are located in a Sensitive Compartmented Information Facility (SCIF) with limited access. The database is also maintained in the SCIF which is password protected and entry provided on a need-to-know basis only.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Security Service, Counterintelligence Directorate, 27130 Telegraph Road, Quantico, VA 22134–2253.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Security Service, Office of FOIA/PA, 27130 Telegraph Road, Quantico, VA 22134–2253.

Requesters should provide full name and for verification purposes only former names used, date and place of birth, and Social Security Number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Defense Security Service, Office of FOIA/PA, 27130 Telegraph Road, Quantico, VA 22134–2253.

Requesters should provide full name and for verification purposes only former names used, date and place of birth, and Social Security Number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01–13: 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOIA/PA, 27130 Telegraph Road, Quantico, VA 22134–2253.''

* * * * *

[FR Doc. 2013–01795 Filed 1–28–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0010]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to delete a system of records.

SUMMARY: The Defense Finance and Accounting Service is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on March 1, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before February 28, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Outlaw, (317) 510–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the contact in **FOR FURTHER INFORMATION CONTACT**. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 24, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:
T5015a

SYSTEM NAME:

Military Pay Correction Case Files (September 16, 1998, 63 FR 49554).

REASON:

The system was retired and replaced by T7340b, Case Management System (CMS), (August 25, 2006, 71 FR 50394). All closed case files were destroyed after expiration of the retention period and all active case files data was transferred to CMS. Therefore, T5015a, Military Pay Correction Case Files can be deleted.

[FR Doc. 2013–01792 Filed 1–28–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0011]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to delete a System of Records.

SUMMARY: The Defense Logistics Agency is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on March 1, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before February 28, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler, DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221, or by phone at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 24, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:
S900.20 CA

Workforce Composition, Workload, and Productivity Records (December 6, 1996, 61 FR 64709).

REASON:

Records are covered by an existing DoD-wide Privacy Act system of records identified as DMDC 02 DoD, entitled ''Defense Enrollment Eligibility Reporting Systems (DEERS).'' Therefore, S900.20 CA, Workforce Composition, Workload, and Productivity Records can be deleted.

[FR Doc. 2013–01791 Filed 1–28–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for Sediment Dredging Activities at John Redmond Dam and Reservoir, KS

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The purpose of the Environmental Impact Statement (EIS) is to address alternatives and environmental impacts associated with proposed dredging (sediment removal and disposal) activities by the State of Kansas at John Redmond Dam and Reservoir, Kansas. The State of Kansas, acting through the Kansas Water Office (KWO), proposes to fund and perform removal of excessive accumulated sediment from John Redmond Reservoir for the purpose of at least partially restoring conservation pool storage capacity. The proposed action would restore water supply storage for water users as well as regain lost aquatic habitat to the benefit of recreational users and the lake ecosystem. Dredging activities are proposed by the State of Kansas in response to accumulation of excessive amounts of sediment at unanticipated in-lake settling locations and resulting adverse impacts to a critical water supply as well as an important recreational and biological resource.

ADDRESSES: Questions or comments concerning the proposed action should be addressed to Mr. Stephen L. Nolen, Chief, Planning and Environmental Division, Tulsa District, U.S. Army Corps of Engineers, CESWT–PE, 1645 S. 101st E. Ave., Tulsa, OK 74128–4629.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Nolen, (918) 669–7660, fax: (918) 669–7546, email: *Stephen.L.Nolen@usace.army.mil*.

SUPPLEMENTARY INFORMATION: The Tulsa District, U.S. Army Corps of Engineers manages John Redmond Dam and Reservoir, KS for the authorized purposes of flood control, water supply, water quality control, and recreation. John Redmond Dam is located on the Grand (Neosho) River at river mile 343.7, about 3 miles northwest of Burlington in Coffey County, KS. The project was completed for full flood control operation in September 1964 with all major construction completed in December 1965. The KWO is under contract with the U.S. Army Corps of Engineers for all water supply storage in John Redmond Reservoir and provides water for the Cottonwood and Neosho River Basins Water Assurance District Number 3 (CNRWAD) and the nearby Wolf Creek Generating Station, a nuclear power facility. The CNRWAD includes 13 cities, one wholesale water supplier, and five industrial water users. As such, the reservoir serves as a critical source of municipal and industrial water for the region. The reservoir also provides scarce and important recreational opportunities for the region in the form of fishing, hunting, boating, swimming, and related water-based activities. Water supply and recreational purposes are severely impacted owing to loss of lake capacity resulting from excessive sedimentation and deposition in unanticipated areas since reservoir construction. In addition to a potential increase in conservation pool elevation currently being considered in ongoing storage reallocation studies, dredging provides a means of restoring storage or at least slowing the rate of loss storage capacity at John Redmond Reservoir. Proposed dredging would be fully funded and performed by the State of Kansas. In addition to considerations under the National Environmental Policy Act (NEPA), the proposed action would also likely require review and approval of alterations/modifications of Corps of Engineers projects under 33 U.S.C. 408.

In addition to a no action alternative, reasonable alternatives to be considered could include varying combinations of the quantities, locations, and phasing of sediment removal from the reservoir. Alternatives could also consider varying locations, design, and methods of disposal for removed sediments, including potential beneficial use of dredged materials.

Issues to be addressed in the EIS include but are not limited to: (1) Geology and soils, including sediment composition; (2) hydrology and water resources to include both surface and groundwater; (3) air quality; (4) aesthetics; (5) biological resources to include wildlife, fisheries, vegetation, threatened and endangered species; (6) prime and unique farmlands; (7) socioeconomic issues to include economic and population considerations, land use, recreation, transportation; (8) cultural resources; (9) issues related to potentially contaminated sediments and their disposal; (10) safety; (11) impacts to wetlands and permitting requirements under Section 404 of the Clean Water Act; and (11) cumulative impacts associated with past, current, and reasonably foreseeable future actions at John Redmond Reservoir.

A public scoping meeting for the proposed action is currently planned for 9:30 a.m., Tuesday, February 5, 2013 at the Coffey County Courthouse, 110 S. 6th Street, Burlington, KS 66839. News releases and notices informing the public and local, state, and Federal agencies of the proposed action and date of this and any additional public scoping meeting(s) will be published in local newspapers. Comments received as a result of this notice, news releases, and the public scoping meeting will be used to assist the Tulsa District Corps of Engineers in identifying potential impacts to the quality of the human or natural environment. Affected Federal, state, or local agencies, affected Indian tribes, and other interested private organizations and parties are encouraged to participate in the scoping

process by forwarding written comments to (see **ADDRESSES**) or attending the scoping meeting. Scoping comments must be postmarked by March 12, 2013.

The draft EIS will be available for public review and comment. While the specific date for release of the draft EIS has yet to be determined, all interested agencies, tribes, organizations and parties expressing an interest in this action will be placed on a mailing list for receipt of the draft EIS. In order to be considered, any comments and suggestions should be forwarded to (see **ADDRESSES**) in accordance with dates specified upon release of the draft EIS.

Dated: January 17, 2013.

Michael J. Teague,

Colonel, U.S. Army, District Commander.

[FR Doc. 2013–01723 Filed 1–28–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2012–ICCD–0062]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Financial Assistance for Students With Intellectual Disabilities

AGENCY: Department of Education (ED), Federal Student Aid (FSA).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 28, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2012–ICCD–0062 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Financial Assistance for Students with Intellectual Disabilities.

OMB Control Number: 1845–0099.

Type of Review: Extension without change of an existing collection of information.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 21.

Abstract: The Department of Education is requesting an extension of the approved collection for the regulations allowing students with intellectual disabilities who enrolled in an eligible comprehensive transition and postsecondary program to receive Title IV, HEA program assistance under the Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, and Federal Work Study programs.

Dated: January 24, 2013.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–01861 Filed 1–28–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. Ed–2012–ICCD–0059]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Mathematics and Science Partnerships Program: Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 28, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2012–ICCD–0059 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov*. Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the

Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Mathematics and Science Partnerships Program: Annual Performance Report.

OMB Control Number: 1810–0669.

Type of Review: Revision of an existing collection of information.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 600.

Total Estimated Number of Annual Burden Hours: 7,800.

Abstract: The Mathematics and Science Partnerships program is a formula grant program to the States in which states make competitive awards to projects. The authorizing legislation, Title II, Part B, Section 2202 (f) of the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001, requires all locally funded projects to report annually to the Secretary documenting progress towards goals and objectives. The Annual Performance Report (APR) is an online reporting tool. Annual reporting requirements include impact on increasing teacher learning and student achievement; standard descriptive information on the MSP projects; the professional development participants; the professional development models, content, and processes; the evaluation plans; and lessons learned. By structuring the reporting so that all MSPs are required to provide standardized data, the program office is better able to examine outcomes across funded partnerships. The primary objective of the proposed revision is to reduce burden on reporting entities while ensuring that needed data continue to be collected. Proposed revisions include removing items that duplicate information, condensing sections of the APR that require substantial project burden to complete, and clarifying reporting instructions to improve quality of responses.

Dated: January 23, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–01755 Filed 1–28–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0007]

Agency Information Collection Activities; Comment Request; National Student Loan Data System (NSLDS)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before April 1, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0007 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov*. Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Student Loan Data System (NSLDS).

OMB Control Number: 1845–0035.

Type of Review: a revision of a previously approved information collection.

Respondents/Affected Public: Private Sector; State Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 40,872.

Total Estimated Number of Annual Burden Hours: 157,456.

Abstract: The U.S. Department of Education will collect data through the National Student Loan Data System (NSLDS) system from postsecondary schools, Perkins Loan holders (or their servicers) and Guaranty Agencies about Federal Perkins, Federal Family Education, and William D. Ford Direct Student Loans to be used to manage federal student loan programs, develop policy and determine eligibility for Title IV student financial aid.

Dated: January 23, 2013.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–01763 Filed 1–28–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2012–OPE–0036]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Performance Report for the Gaining Early Awareness for Undergraduate Programs

AGENCY: Department of Education (ED), Office of Postsecondary Education (OPE).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing [insert one of the following options; a revision of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before February 28, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2012–ICCD–0036 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Performance Report for the Gaining Early Awareness for Undergraduate Programs

OMB Control Number: 1840–0777

Type of Review: Revision of an existing collection of information

Respondents/Affected Public: State, Local, or Tribal Governments

Total Estimated Number of Annual Responses: 225

Total Estimated Number of Annual Burden Hours: 2,475

Abstract: The Annual Performance Report for Partnership and State Projects for Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) is a required report that grant recipients must submit annually. The purpose of this information collection is for accountability. The data is used to report on progress in meeting the performance objectives of GEAR UP, program implementation, and student outcomes. The data collected includes budget data on Federal funds and match contributions, demographic data, and data regarding services provided to students.

Dated: January 24, 2013.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–01856 Filed 1–28–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2012–ICCD–0065]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Loan Cancellation in the Federal Perkins Loan Program

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 28, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2012–ICCD–0065 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Loan Cancellation in the Federal Perkins Loan Program.

OMB Control Number: 1845–0100.

Type of Review: Extension without change of an existing collection of information.

Respondents/Affected Public: Private Sector, Individuals or Households, State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 123,022.

Total Estimated Number of Annual Burden Hours: 46,135.

Abstract: This is a request for the renewal of the OMB approval for the recordkeeping requirements contained in 34 CFR 674.53, 674.56, 674.57, 674.58 and 674.59. The information collections in these regulations are necessary to determine Federal Perkins Loan borrower's eligibility to receive certain cancellation benefits and to prevent fraud and abuse of program funds.

Dated: January 24, 2013.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–01859 Filed 1–28–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Application for New Awards; Indian Education Formula Grants to Local Educational Agencies

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

Overview Information:

Indian Education Formula Grants to Local Educational Agencies.

Notice inviting applications for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.060A.

DATES: Part I of the Formula Grant Electronic Application System for Indian Education (EASIE) Applications Available: January 14, 2013.

Deadline for Transmittal of Part I Applications: March 8, 2013.

Part II of the Formula Grant EASIE Applications Available: March 29, 2013.

Deadline for Transmittal of Part II Applications: May 14, 2013.

Note: Applicants must meet the deadlines for both EASIE Part I and Part II to receive a grant. Any application not meeting the Part I and Part II deadlines will not be considered for funding. This change is being initiated in order to be consistent with Department-wide policy, and ensure that applicants who meet the deadlines receive the maximum amount of available funding. Other changes to application procedures are explained in section IV.2 *Content and Form of Application Submission,* and IV.7 *Other Submission Requirements.*

I. Funding Opportunity Description

Purpose of Program: The Indian Education Formula Grants to Local Educational Agencies program provides grants to support local educational agencies (LEAs) and other eligible entities described in this notice in reforming and improving elementary and secondary school programs that serve Indian students. The Department funds comprehensive programs that are designed to help Indian students meet the same State academic content and student academic achievement standards used for all students while addressing the language and cultural needs of Indian students. Such programs include supporting the professional development of teachers of Indian students.

In addition, under section 7116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), the Secretary will, upon receipt of an acceptable plan for the integration of education and related services, and in cooperation with other relevant Federal agencies, authorize the entity receiving the funds under this program to consolidate all Federal formula funds that are to be used exclusively for Indian students. Instructions for submitting an integration of education and related services plan are included in the EASIE, which is described elsewhere in this notice under *Application Process and Submission Information.*

Note: Under the Indian Education Formula Grants to Local Educational Agencies program, applicants are required to develop the project for which an application is made: (a) In open consultation with parents and teachers of Indian students and, if appropriate, Indian students from secondary schools, including through public hearings held to provide a full opportunity to understand the program and to offer recommendations regarding the program (section 7114(c)(3)(C) of the ESEA); (b) with the participation of a parent committee selected in accordance with section 7114(c)(4) of the ESEA; and, (c) with the written approval of that parent committee (section 7114(c)(4) of the ESEA).

Program Authority: 20 U.S.C. 7421 et seq.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

II. Award Information

Type of Award: Indian Education Formula Grants to Local Educational Agencies.

Estimated Available Funds: The Administration has requested $105,921,000 for this program for FY 2013. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $4,000 to $2,880,000.

Estimated Average Size of Awards: $82,000.

Estimated Number of Awards: 1,300.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 months.

III. Eligibility Information

1. *Eligible Applicants:* Certain LEAs, including charter schools authorized as LEAs under State law, as prescribed by section 7112(b) of the ESEA, certain schools funded by the Bureau of Indian Education of the U.S. Department of the Interior, as prescribed by section 7113(d) of the ESEA, and Indian tribes under certain conditions, as prescribed by section 7112(c) of the ESEA.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Section 7114(c)(1) of ESEA states that the LEA will use these grant funds only to supplement the funds that, in the absence of these Federal funds, such agency would make available for the education of Indian children, and not to supplant such funds.

IV. Application Process and Submission Information

1. *How to Request an Application:* Applications for grants under this program must be submitted electronically using the Formula Grant EASIE, at *https//eden.ed.gov/Survey/.* For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirements, please refer to section IV.7. *Other Submission Requirements* of this notice.

Individuals with disabilities can obtain a copy of the application package

in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under **FOR FURTHER INFORMATION CONTACT** in section VI of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the online application package for this program. The online application requires the submission of data related to the performance measures, which are listed in this notice in section V. *Grant Administration Information.*

The application submission under EASIE Part I and Part II of this program is entirely electronic and has been enhanced to include the electronic submission of required supplementary documentation. All of the changes to the submission process for FY 2013 are designed to reduce burden for the applicant and to streamline the grant-making process.

Under EASIE Part I, applicants for FY 2013 that are tribes will be able to upload their verification of eligibility. The details of the verification process, which is necessary to meet the statutory eligibility requirements for tribes, are in the application package. The only change from past practice is that the documentation must be uploaded into the EASIE system prior to certification during the EASIE Part I open period. Failure to submit the required documentation by the EASIE Part I deadline will result in an incomplete application that will not be considered for funding. The Office of Indian Education recommends submitting the documentation 20 days prior to the closing date to ensure that any potential submission issues are resolved prior to the *deadline.*

In EASIE Part II, an applicant that is the lead LEA for a consortium of LEAs will be able to upload the consortium agreement, which must meet the requirements of 34 CFR 75.128. This agreement must be uploaded into the EASIE system prior to certifying the EASIE Part II application. A consortium may use its existing consortium agreement provided that it includes details of the activities that each LEA member will perform and binds each member to every statement and assurance made by the lead LEA in the application. The agreement must include the signature of each participating LEA Superintendent or authorized representative assuring that each LEA will comply with the statutory requirements of the Indian Education Formula Grants, including the requirements regarding the Indian parent committee in section 7114(c) of the ESEA (20 U.S.C. 7424(c)). The consortium may use the sample agreement, available in the EASIE system as a downloadable document, as a guide.

Also in EASIE Part II, the Indian Parent Committee Approval form, which is required of all applicants that are LEAs or consortia of LEAs, must be uploaded into the EASIE system prior to certification of Part II. The form is available in the EASIE system. In the past, applicants could submit the Indian Parent Committee Approval form up to three days following certification, but for FY 2013 this form must be submitted by the Part II deadline. For both the Indian Parent Committee Approval form and the consortium agreement, an applicant's failure to submit the required documentation by the Part II deadline will result in an incomplete application that will not be considered for funding. The Office of Indian Education recommends submitting these required forms 20 days prior to the EASIE Part II closing date to ensure that any potential submission issues are resolved prior to the deadline.

3. *Submission Dates and Times:* Part I of the Formula Grant Electronic Application System for Indian Education (EASIE) Applications Available: January 14, 2013. Deadline for Transmittal of Part I Applications: March 8, 2013.

Part II of the Formula Grant EASIE Applications Available: March 29, 2013.

Deadline for Transmittal of Part II Applications: May 14, 2013.

Applications for grants under this program must be submitted electronically using the Formula Grant EASIE. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirements, please refer to section IV.7. *Other Submission Requirements* of this notice. All applications must be submitted by the Part I and Part II deadlines in order to receive funding; late applications will no longer be considered.

Individuals with disabilities who need an accommodation process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VI of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Below is a table summarizing the FY 2013 EASIE deadlines.

	Requirement	Open date	Close/due date
EASIE Part I	Open Period	Jan 14, 2013	Mar 8, 2013.
Tribe in Lieu of LEA(s)	Evidence of Eligibility		Mar 8, 2013.
EASIE Part II	Open Period	Mar 29, 2013	May 14, 2013.
LEA Consortium Applicants	Consortium Agreement		May 14, 2013.
LEA and LEA Consortium Indian Parent Committees.	Indian Parent Committee Approval Form		May 14, 2013.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference additional regulations outlining funding restrictions in the Applicable Regulations section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, Central Contractor Registry, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR)—and, after July 24, 2012, with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR or SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR or SAM registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days to complete. Information about SAM is available at *www.SAM.gov.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Indian Education Formula Grants to Local Educational Agencies program—84.060A must be submitted electronically using the Formula Grant EASIE.

We will reject your application if you submit it in paper format unless you qualify for one of the exceptions to the electronic submission requirement described later in this section under Exception to Electronic Submission Requirement, and follow the submission rules outlined therein.

Formula Grant EASIE Electronic Application System: Formula Grant EASIE is an easy-to-use, electronic application system. It imports data from State submissions to ED*Facts,* the Department's data collection system that contains performance information from State educational agencies about schools and Federal education programs. To the extent that your State has provided the necessary ED*Facts* data files, Formula Grant EASIE will be able to interface with ED*Facts* and pull those LEA-specific data into the application. Additionally, this system allows the Department to review applications and interact online with applicants during the application review and approval process.

The Formula Grant EASIE application is divided into two parts—Part I and Part II.

Part I, Student Count, provides the appropriate data-entry screens to submit your Indian student count totals.

Part II, Program and Budget Information, provides your estimated award amount based on the Indian student count total submitted under Part I. Part II also enables you to enter student performance data, identify your project's services and activities, and build a realistic program budget based on an estimated grant amount. Based on student assessment data, you will select your program objectives and services from a variety of menu options that were designed with grantee input.

For FY 2013, the EASIE Part II certification process has been changed to accommodate the reallocation of funds prior to awarding grants. After the initial grant amounts are determined, additional funds may become available due to such circumstances as withdrawn applications or reduction in an applicant's student count. For the FY 2013 grants, the Department will reallocate any additional funds to all on-time applicants rather than funding late applicants. To accommodate this change, in the certification process, your certifying official must first agree to the assurances made in the application. The certifying official will then approve not only the budget submitted with the application, but also any budget revision submitted in the future by his or her authorized representative. An applicant whose award amount increases or decreases more than $1,000 must submit a revised budget prior to receiving its grant award but will not need to re-certify its application. For an applicant that receives an increase or decrease in its award less than $1,000, there will be no need for further action. For any applicant that receives notification of an increased award amount following submission of its original budget, the applicant must allocate the increased amount only to previously approved budget categories, whether or not the amount exceeds $1,000.

Registration for Formula Grant EASIE: Entities are encouraged to register as soon as possible at the registration Web site *www.easie.org,* to ensure that any potential registration issues are resolved prior to the deadline for the submission of an application. The purpose of the initial registration is to activate or re-activate entities' access to EASIE and to ensure that the correct entity information (e.g., NCES or DUNS numbers) is pre-populated into the first part of Formula Grant EASIE. The registration Web site does not serve as the entity's grant application. The registration must be completed by current, former, and new applicants interested in submitting an Indian Formula Grant EASIE application. For information on how to register, contact the ED*Facts* Partner Support Center listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT.**

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the EASIE system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload documents to the EASIE system; and
- No later than two weeks before the application deadline date for Part I (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Bernard Garcia, U.S. Department of Education, Office of Indian Education, 400 Maryland Avenue SW., Room 3E307, Washington, DC 20202–6335. FAX: (202) 205–0606.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the U.S Department of Education, Office of Indian Education. You must mail the original and two copies of your application, on or before the application deadline dates for both Part I and Part II, to the Office of Indian Education at the following address: U.S. Department of Education, Office of Indian Education, Attention: CFDA Number 84.060A, 400 Maryland Avenue SW., Room 3E307, Washington, DC 20202–6335.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

For all grant awards, if your application is postmarked after the application deadline date for Part I or Part II, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline dates for both Part I and Part II, to the Department at the following address: U.S. Department of Education, Office of Indian Education, Attention: CFDA Number 84.060A, 400 Maryland Avenue SW., Room 3E307, Washington, DC 20202–6335.

The Program Office accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—on your application, the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Program Office will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Office of Indian Education at (202) 260–3774.

V. Grant Administration Information

1. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice. We reference the regulations outlining the terms and conditions of a grant in the *Applicable Regulations* section of this notice.

2. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness and efficiency of the Indian Education Formula Grants to Local Educational Agencies program: (1) The percentage of American Indian and Alaska Native students in grades four and eight who score at or above the basic level in reading on the National Assessment of Educational Progress (NAEP); (2) the percentage of American Indian and Alaska Native students in grades four and eight who score at or above the basic level in mathematics on the NAEP; (3) the percentage of American Indian and Alaska Native students in grades three through eight meeting State performance standards by scoring at the proficient or the advanced levels in reading and mathematics on State assessments; (4) the difference between the percentage of American Indian and Alaska Native students in grades three through eight at the proficient or advanced levels in reading and mathematics on State assessments and the percentage of all students scoring at those levels; (5) the percentage of American Indian and Alaska Native students who graduate from high school; and (6) the percentage of funds used by grantees prior to award close-out.

VI. Agency Contacts

FOR FURTHER INFORMATION CONTACT: For questions about the Formula Grant Program to Local Educational Agencies, contact Bernard Garcia, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E307, Washington, DC 20202–6335. Telephone: (202) 260–1454 or by email: *Bernard.Garcia@ed.gov*. For questions about the EASIE application and uploading documentation, contact the ED*Facts* Partner Support Center, telephone: 877–457–3336 (877–HLP–EDEN) or by email at: *eden_OIE@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the EDFacts Partner Support Center, toll free, at 1–888–403–3336 (888–403–EDEN).

Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the ED*Facts* Partner Support Center.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as other documents of this Department published in the **Federal Register** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: January 23, 2013.

Deborah Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2013–01722 Filed 1–28–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Hydrogen and Fuel Cell Technical Advisory Committee (HTAC)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting (Webinar).

SUMMARY: This notice announces an open meeting (Webinar) of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC). The Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770 requires that agencies publish notice of meetings in the **Federal Register**.

DATES: Friday, February 15, 2013 2:00 p.m.–4:00 p.m. To be provided the Webinar's registration information, please email: *HTAC@nrel.gov.*

FOR FURTHER INFORMATION CONTACT: email to: *HTAC@nrel.gov* or at the mailing address: Jason Marcinkoski, Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue, Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) was established under Section 807 of the Energy Policy Act of 2005 (EPACT), Public Law 109–58; 119 Stat. 849, to provide advice and recommendations to the Secretary of Energy on the program

and activities authorized by Title VIII of EPACT.

Tentative Agenda: (Subject to change; updates will be posted on the Committee's Web site at: *http://hydrogen.energy.gov*).

- Public Comment (10 minutes)
- Discussion of the HTAC Annual Report
- Miscellaneous HTAC Business

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the meeting of HTAC and to make oral statements during the specified period for public comment. The public comment period will take place between 2:00 p.m. and 2:10 p.m. on February 15, 2013. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, please email *HTAC@nrel.gov* at least 5 business days before the meeting. Please indicate if you will be attending the meeting, whether you want to make an oral statement, and what organization you represent (if appropriate). Members of the public will be heard in the order in which they sign up for the public comment period. Oral comments should be limited to two minutes in length. Reasonable provision will be made to include the scheduled oral statements on the agenda. The chair of the committee will make every effort to hear the views of all interested parties and to facilitate the orderly conduct of business. If you would like to file a written statement with the committee, you may do so either by submitting a hard copy at the meeting or by submitting an electronic copy to via email to: *HTAC@nrel.gov.*

Minutes: The minutes of the meeting will be available for public review at the Committee's Web site at: *http://hydrogen.energy.gov.*

Issued at Washington, DC, on January 23, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–01805 Filed 1–28–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Biological and Environmental Research Advisory Committee (BERAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, February 21, 2013, 9:00 a.m.–5:30 p.m.

Friday, February 22, 2013, 8:30 a.m.–12:00 p.m.

ADDRESSES: Hilton Washington DC/Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Dr. David Thomassen, Designated Federal Officer, BERAC, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC–23/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290. Phone (301) 903–9817; fax (301) 903–5051 or email: *david.thomassen@science.doe.gov.* The most current information concerning this meeting can be found on the Committee's Web site: *http://science.energy.gov/ber/berac/meetings/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

Tentative Agenda Topics

- Update from the Office of Science
- Report from the Office of Biological and Environmental Research
- News from the Biological Systems Science and Climate and Environmental Sciences Divisions
- Discussion of charge to prioritize scientific user-facilities for the Office of Science
- Updates on Knowledgebase (KBase) and Next-Generation Ecosystem Experiments (NGEE)
- Workshop updates
- Science talk
- New Business
- Public Comment

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact David Thomassen at the address or telephone number listed above. You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 45 days at the BERAC Web site: *http://science.energy.gov/ber/berac/meetings/berac-minutes/.*

Issued in Washington, DC, on January 23, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–01807 Filed 1–28–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, March 5, 2013, 9:00 a.m.–5:00 p.m.

Wednesday, March 6, 2013, 9:00 a.m.–12:00 p.m.

ADDRESSES: American Geophysical Union (AGU), 2000 Florida Avenue NW., Washington, DC 20009–1277.

FOR FURTHER INFORMATION CONTACT: Melea Baker, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U. S. Department of Energy; 1000 Independence Avenue SW; Washington, DC 20585–1290; Telephone (301) 903–7486

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to provide advice and recommendations to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Tentative Agenda Topics:

- View from Washington
- View from Germantown
- Report from DOE data-intensive science and Facilities prioritization subcommittees
- Computational Science Graduate Fellowship (CSGF) Longitudinal Study
- Update on Exascale including technical talks from ASCR researchers
- Facilities update
- ESnet-5
- Co-design

• Innovative and Novel Computational Impact on Theory and Experiment (INCITE)

• Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. A webcast of this meeting will be available. Please check the Web site below for updates and information on how to view the meeting. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Melea Baker by telephone at: (301) 903–7486 or email: *Melea.Baker@science.doe.gov.* You must make your request for an oral statement at least five business days prior to the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for viewing on the U.S. Department of Energy's Office of Advanced Scientific Computing Web site at: *www.sc.doe.gov/ascr.*

Issued at Washington, DC, on January 23, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–01838 Filed 1–28–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Basic Energy Sciences Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Basic Energy Sciences Advisory Committee (BESAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, February 28, 2013, 8:30 a.m.–5:00 p.m.

Friday, March 1, 2013, 9:00 a.m. to 12:00 p.m.

ADDRESSES: Bethesda North Hotel and Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

FOR FURTHER INFORMATION CONTACT: Katie Perine, Office of Basic Energy Sciences, U.S. Department of Energy; SC–22/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (301) 903–6529.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to provide advice and guidance with respect to the basic energy sciences research program.

Tentative Agenda: Agenda will include discussions of the following:

- News from Office of Science/DOE
- News from the Office of Basic Energy Sciences
- New Charge to BESAC
- Upcoming Committee of Visitors for the Scientific User Facilities Division

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Katie Perine at 301–903–6594 (fax) or *katie.perine@science.doe.gov* (email). Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for viewing on the Basic Energy Sciences Advisory Committee's Web site at: *http://science.energy.gov/bes/besac/.*

Issued in Washington, DC, on January 23, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–01836 Filed 1–28–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Efficiency and Renewable Energy

State Energy Advisory Board (STEAB)

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, February 21, 2013 from 3:30 p.m. to 4:00 p.m. (EST). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Gil Sperling, STEAB Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number is (202) 287–1644.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive an update on the activities of the STEAB's Taskforces, review the activities of the newly formed STEAB Strategic Planning Subcommittee, and provide an update to the Board on routine business matters and other topics of interest, and begin discussion planning for a March 2013 meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gil Sperling at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *www.steab.org.*

Issued at Washington, DC, on January 23, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–01806 Filed 1–28–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP13–36–000, PF09–8–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on January 7, 2013, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP13–36–000 an application under Section 7 of the Natural Gas Act and Part 157 the Commission's Rules and Regulations for all the necessary authorizations required to construct, own and operate its Rockaway Delivery Lateral Project (Rockaway Project) in New York. The Rockaway Project is an expansion of Transco's existing pipeline system which will enable Transco to make deliveries into National Grid's New York City distribution system at a new delivery point on the Rockaway Peninsula in Queens County, New York, and will provide 647,000 dekatherms per day of firm transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On March 26, 2009, the Commission staff granted Transco's request to utilize the Pre-Filing Process and assigned Docket No. PF09–8 to staff activities involved with Transco's Rockaway Project. Now, as of the filing of the application on January 7, 2013, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP13–36–000, as noted in the caption of this Notice.

Transco states the Project will involve the construction of approximately 3.20-mile, 26-inch lateral from Transco's existing Lower New York Bay Extension at or near milepost 34.31 in New York State waters in the Atlantic Ocean to an interconnection with National Grid on the Rockaway Peninsula; a new meter station to be located at Floyd Bennett Field within Gateway National Recreation Area, in Kings County, New York; and related appurtenant facilities. The estimated cost of the Project is approximately $182.8 million.

Copies of this filing are available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Questions regarding this application should be directed to Bill Hammons, P.O. Box 1396, Houston, Texas 77251; phone (713) 215–2130. Transco has also established a public Web site for the Rockaway Project (*http://www.williams.com/rockaway*), a toll-free phone number (1–866–455–9103) so that parties can call with questions about the Rockaway Project, and an email support address (*PipelineExpansion@williams.com*).

Transco has requested that the Commission issue a final order in this proceeding by October 1, 2013, to enable Discovery to commence construction of the proposed facilities to meet a November 1, 2014 in-service date.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on February 12, 2013.

Dated: January 22, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–01773 Filed 1–28–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP13–460–000.

Applicants: Cadeville Gas Storage LLC.

Description: Cadeville Gas Storage LLC submits tariff filing per 154.203: Cadeville Gas Storage Tariff Filing 1/18/13 to be effective 1/18/2013.

Filed Date: 1/18/13.

Accession Number: 20130118–5175.

Comments Due: 5 p.m. ET 1/30/13.

Docket Numbers: RP13–461–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 01/18/13 Negotiated Rates—JP Morgan Ventures Energy Corp (HUB) 6025–89 to be effective 1/18/2013.

Filed Date: 1/18/13.

Accession Number: 20130118–5181.

Comments Due: 5 p.m. ET 1/30/13.

Docket Numbers: RP13–462–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 01/18/13 Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 1/18/2013.

Filed Date: 1/18/13.

Accession Number: 20130118–5189.

Comments Due: 5 p.m. ET 1/30/13.

Docket Numbers: RP13–463–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 01/18/13 Negotiated

Rates—United Energy Trading (HUB) 5095–89 to be effective 1/18/2013.

Filed Date: 1/18/13.

Accession Number: 20130118–5194.

Comments Due: 5 p.m. ET 1/30/13.

Docket Numbers: RP13–464–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Tennessee Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: pro forma—Rich Gas Service Provisions to be effective 12/31/9998.

Filed Date: 01/18/2013.

Accession Number: 20130118–5258.

Comments Due: 5 p.m. ET 1/30/13.

Docket Numbers: RP13–465–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 01/21/13 Negotiated Rates—JP Morgan Ventures Energy Corp (HUB) 6025–89 to be effective 1/19/2013.

Filed Date: 1/22/13.

Accession Number: 20130122–5011.

Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: RP13–466–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.204: 01/21/13 Negotiated Rates—United Energy Trading (HUB) 5095–89 to be effective 1/19/2013.

Filed Date: 1/22/13.

Accession Number: 20130122–5012.

Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: RP13–467–000.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Modification of Exhibit B to the SS–1 Service Agreement to be effective 2/22/2013.

Filed Date: 1/22/13.

Accession Number: 20130122–5075.

Comments Due: 5 p.m. ET 2/4/13.

Filings Instituting Proceedings

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Dated: January 22, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–01753 Filed 1–28–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER07–769–003.

Applicants: Cedar Rapids Transmission Company Limited.

Description: Cedars Rapids Transmission Company Limited submits update to Status of Regulatory Proceedings in Quebec.

Filed Date: 6/26/12.

Accession Number: 20120626–5155.

Comments Due: 5 p.m. ET 2/8/13.

Docket Numbers: ER07–769–004.

Applicants: Cedar Rapids Transmission Company Limited.

Description: Cedars Rapids Transmission Company Limited submits notification of change in status.

Filed Date: 1/14/13.

Accession Number: 20130114–5243.

Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER12–911–003.

Applicants: CPV Sentinel, LLC.

Description: Notice of Change in Facts of CPV Sentinel, LLC.

Filed Date: 1/17/13.

Accession Number: 20130117–5203.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–69–001.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.17(b): 2013–01–16 Response to December 10 2012 Letter in ER13–69 to be effective 3/18/2013.

Filed Date: 1/17/13.

Accession Number: 20130117–5009.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–227–001.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35: RSBAA 2013 Compliance Filing to be effective 1/1/2013.

Filed Date: 1/17/13.

Accession Number: 20130117–5004.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–246–001.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35: ETC 2013 Compliance Filing to be effective 1/1/2013.

Filed Date: 1/17/13.

Accession Number: 20130117–5003.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–573–001.

Applicants: CMS Energy Resource Management Company.

Description: CMS ERM Company—MBR to be effective 12/19/2012.

Filed Date: 1/17/13.

Accession Number: 20130117–5102.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–771–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: SGIAs and Dist Serv Agmts LRE Agincourt, LLC and LRE Marathon, LLC to be effective 1/18/2013.

Filed Date: 1/17/13.

Accession Number: 20130117–5001.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–772–000.

Applicants: NorthWestern Corporation.

Description: SA 576—WKN Montana II LGIA—1st Revised—Amended to be effective 12/29/2012.

Filed Date: 1/17/13.

Accession Number: 20130117–5069.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–773–000.

Applicants: CCI Roseton LLC.

Description: CCI Roseton MBR Application to be effective 1/18/2013.

Filed Date: 1/17/13.

Accession Number: 20130117–5106.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–774–000.

Applicants: Southwest Power Pool, Inc.

Description: 2233R1 Osage Wind GRDA Facilities Construction Agreement to be effective 12/18/2012.

Filed Date: 1/17/13.

Accession Number: 20130117–5129.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–775–000.

Applicants: Southwest Power Pool, Inc.

Description: 607R18 Westar Energy, Inc. NITSA and NOA to be effective 1/1/2013.

Filed Date: 1/17/13.

Accession Number: 20130117–5130.

Comments Due: 5 p.m. ET 2/7/13.

Docket Numbers: ER13–776–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: 01–17–2013 Attachment FF–6 Errata Filing to be effective 6/1/2013.

Filed Date: 1/17/13.

Accession Number: 20130117–5147.

Comments Due: 5 p.m. ET 2/7/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13–14–000.

Applicants: International Transmission Company.

Description: Application of International Transmission Company pursuant to Section 204 of the Federal Power Act for authorization to issue debt securities.

Filed Date: 1/17/13.

Accession Number: 20130117–5196.

Comments Due: 5 p.m. ET 2/7/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 18, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–01754 Filed 1–28–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Membership of Performance Review Board for Senior Executives

The Federal Energy Regulatory Commission hereby provides notice of the membership of its Performance Review Board (PRB) for the Commission's Senior Executive Service (SES) members. The function of this board is to make recommendations relating to the performance of senior executives in the Commission. This action is undertaken in accordance with Title 5, U.S.C. 4314(c)(4).

The Commission's PRB will add the following member: David Morenoff.

Dated: January 22, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–01772 Filed 1–28–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR13–11–000]

Enbridge Energy, Limited Partnership; Notice of Filing of Supplement to Facilities Surcharge Settlement

Take notice that on December 12, 2012, Enbridge Energy, Limited Partnership (Enbridge Energy), with the support of the Canadian Association of Petroleum Producers (CAPP), submitted a Supplement to the Facilities Surcharge Settlement approved by the Commission on June 30, 2004, in Docket No. OR04–2–000, at 107 FERC ¶ 61,336 (2004).

Initial comments and reply comments on the Settlement Supplement should be submitted on or before the dates indicated below.

The Commission encourages electronic submission of protests, interventions, and comments in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on Friday, January 25, 2013.

Reply Comments: 5:00 p.m. Eastern Time on Thursday, January 29, 2013.

Dated: January 22, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–01774 Filed 1–28–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0496; FRL–9527–1]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (Renewal), EPA ICR Number 2352.03

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before February 28, 2013.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0496, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 FR 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both

EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0496, which is available for either public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (Renewal).

ICR Numbers: EPA ICR Number 2352.03, OMB Control Number 2060–0634.

ICR Status: This ICR is scheduled to expire on February 28, 2013. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart AAAAAAA.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 19 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action are the owners or operators of asphalt processing and roofing manufacturing facilities.

Estimated Number of Respondents: 75.

Frequency of Response: Semiannually and annually.

Estimated Total Annual Hour Burden: 2,846.

Estimated Total Annual Cost: $276,724, which includes $275,599 in labor costs, no capital/startup costs, and $1,125 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is an adjustment increase in labor costs for the respondents from the most recently approved ICR. This increase is not due to any program changes. The adjustment increase reflects a change in labor rates from the Bureau of Labor Statistics as this ICR uses updated labor rates for calculating all burden costs.

However, there is an overall decrease in labor hours, capital/startup costs, O&M costs, and Agency costs as currently identified in the OMB Inventory of Approved Burdens. The decrease in burden and cost estimates occurred because the standards have been in effect for more than three years and the requirements are different during initial compliance as compared to on-going compliance. The previous ICR reflected those burdens and costs associated with the initial activities for subject facilities. This includes purchasing monitoring equipment, conducting performance tests and establishing recordkeeping systems. This ICR, by and large, reflects the on-going burden and costs for existing facilities. Activities for existing source include continuous monitoring of pollutants and the submission of semiannual reports.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–01831 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2012–0104; FRL–9525–2]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Brownfields Program—Accomplishment Reporting (Revision)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before February 28, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2012–0104, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.superfund@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Rachel Lentz, Office of Brownfields and Land Revitalization, (5105T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 566–2745; fax number (202) 566–1476; email address: *Lentz.Rachel@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 9, 2012 (77 FR 58127), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA did not receive any comments on this revision ICR notice. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

The EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–SFUND–2012–0104, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Superfund Docket is 202–566–9744.

Use the EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that the EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as the EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Brownfields Program—Accomplishment Reporting (Revision).

ICR numbers: EPA ICR No. 2104.05, OMB Control No. 2050–0192.

ICR Status: This ICR is scheduled to expire on October 31, 2015. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.'' An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This request is for a revision of the previously approved ICR 2104.04. The old forms were mistakenly attached in the last renewal's posting. The purpose of this revision is to post the revised forms that were mistakenly left out of the last ICR renewal. The revised forms are the Property Profile Form, Property Profile Form Instructions, Job Training Reporting Form, and Job Training Reporting Form Instructions.

The Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) (''the Brownfields Amendments'') was signed into law on January 11, 2002. The Act amends the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, and authorizes the EPA to award cooperative agreements to states, tribes, local governments, and other eligible entities to assess and clean up brownfields sites. Under the Brownfields Amendments, a brownfield site means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. For funding purposes, the EPA uses the term ''brownfield property(ies)'' synonymously with the term ''brownfield sites.'' The Brownfields Amendments authorize the EPA to award several types of cooperative agreements to eligible entities on a competitive basis.

Under subtitle A of the Small Business Liability Relief and Brownfields Revitalization Act, States, tribes, local governments, and other eligible entities can receive assessment cooperative agreements to inventory, characterize, assess, and conduct planning and community involvement related to brownfields properties; cleanup cooperative agreements to carry out cleanup activities at brownfields properties; cooperative agreements to capitalize revolving loan funds and provide subgrants for cleanup activities; and job training cooperative agreements to support the creation and implementation of environmental job training and placement programs. Under Subtitle C of the Small Business Liability Relief and Brownfields Revitalization Act, State and tribes can receive cooperative agreements to establish and enhance their response programs. The cooperative agreements support activities necessary to establish or enhance four elements of state and tribal response programs and to meet the public record requirements under the statute. The four elements eligible for funding include: (a) Timely survey and inventory of brownfield sites in the State or in the tribal land; (b) oversight and enforcement authorities or other mechanisms and resources; (c) mechanisms and resources to provide meaningful opportunities for public participation; and (d) mechanisms for approval of a cleanup plan and verification and certification that cleanup is complete. States and tribes that receive funding under subtitle C must establish a public record system during the funding period unless an adequate public record system is already established.

Cooperative agreement recipients (recipients) have general reporting and record keeping requirements as a condition of their cooperative agreement that result in burden. A portion of this reporting and record keeping burden is authorized under 40 CFR Parts 30 and 31 and identified in the EPA's general grants ICR (OMB Control Number 2030–0020). The EPA requires Brownfields program recipients to maintain and report additional information to the EPA on the uses and accomplishments associated with the funded brownfields activities. The EPA uses several forms to assist recipients in reporting the information and to ensure consistency of the information collected. The EPA uses this information to meet Federal stewardship responsibilities to manage and track how program funds are being spent, to evaluate the performance of the Brownfields Cleanup and Land Revitalization Program, to meet the Agency's reporting requirements under the Government Performance Results Act, and to report to Congress and other program stakeholders on the status and accomplishments of the program.

This ICR addresses the burden imposed on recipients that are associated with those reporting and recordkeeping requirements that are specific to cooperative agreements awarded under the Small Business Liability Relief and Brownfields Revitalization Act.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.2 hours per response. For non-profit respondents the estimate is 1.7 hours per response and for state/local/tribal government respondents the estimate is 1.2 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to, or for, a Federal agency.

This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing procedures to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State, Local, and Tribal Governments; Non-Profits.

Estimated Number of Respondents: 1,007.

Frequency of Response: Bi-Annual for subtitle C recipients; Quarterly for subtitle A recipients.

Estimated Total Annual Hour Burden: 3,167 hours.

Estimated Total Annual Cost: $308,926, includes $0 annualized capital or O&M costs.

Changes in the Estimates: There is no change in the total estimated hourly burden currently identified in the OMB Inventory of Approved ICR Burdens. OMB requested the separation of private (non-profit) and state/local/tribal government burden in the burden tables and, as a result, there was an increase of $15 in the total cost. This small increase is due to rounding.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–01829 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0407; FRL 9526–6]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; EPA's ENERGY STAR Program in the Commercial and Industrial Sectors (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''EPA's ENERGY STAR Program in the Commercial and Industrial Sectors'' (EPA ICR No. 1772.06, OMB Control No. 2060–0347) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through January 31, 2013. Public comments were previously requested via the **Federal Register** (77 FR 46089) on August 2, 2012 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before February 28, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2006–0407, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Alexandra Sullivan, Climate Protection Partnerships Division, Mail Code: 6202J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9040; fax number: 202–343–2204; email address: *sullivan.alexandra@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA created ENERGY STAR as a voluntary program to help businesses and individuals protect the environment through superior energy efficiency. The program focuses on reducing utility-generated emissions by reducing the demand for energy. In 1991, EPA launched the Green Lights Program to encourage corporations, State and local governments, colleges and universities, and other organizations to adopt energy-efficient lighting as a profitable means of preventing pollution and improving lighting quality. Since then, EPA has rolled Green Lights into ENERGY STAR and expanded ENERGY STAR to encompass organization-wide energy performance improvement, such as building technology upgrades, product purchasing initiatives, and employee training. At the same time, EPA has streamlined the reporting requirements of ENERGY STAR and focused on providing incentives for improvements (*e.g.,* ENERGY STAR Awards Program). EPA also makes tools and other resources available on the Web to help the public overcome the barriers to evaluating their energy performance and investing in profitable improvements.

To join ENERGY STAR, organizations are asked to complete a Partnership Letter or Agreement that establishes their commitment to energy efficiency. Partners agree to undertake efforts such as measuring, tracking, and benchmarking their organization's energy performance by using tools such as those offered by ENERGY STAR; developing and implementing a plan to improve energy performance in their facilities and operations by adopting a strategy provided by ENERGY STAR; and educating staff and the public about their Partnership with ENERGY STAR, and highlighting achievements with the ENERGY STAR, where available.

Partners also may be asked to periodically submit information to EPA as needed to assist in program implementation.

Partnership in ENERGY STAR is voluntary and can be terminated by Partners or EPA at any time. EPA does not expect organizations to join the program unless they expect participation to be cost-effective and otherwise beneficial for them.

In addition, Partners and any other interested party can seek recognition and help EPA promote energy-efficient technologies by evaluating the efficiency of their buildings using EPA's on-line tools (*e.g.,* Portfolio Manager) and applying for recognition. EPA does not expect to deem any information collected under ENERGY STAR to be Confidential Business Information (CBI).

Form Numbers:

- Attachment to Partnership Letter for

C&I Partners (5900–19)
- Partnership Agreement for EEPs (5900–33)
- ENERGY STAR Building Certification Application (5900–197)
- ENERGY STAR Leaders—Eligible Facilities List (5900–20)
- ENERGY STAR Leaders—Facility Summary Report (5900–20)
- ENERGY STAR Leaders—Ineligible Facilities List (5900–20)
- ENERGY STAR Leaders—Leaders Story (5900–20)
- Service and Product Provider (SPP) Partnership Application Data Form (5900–195)
- Small Business Network (5900–21)
- Statement of Energy Design Intent (5900–22)
- Statement of Energy Improvement (5900–198)
- Statement of Energy Performance—Plants (5900–89)
- Challenge for Industry Registration Form (5900–263)
- Challenge for Industry Online Recognition Application (5900–262)
- EPI Application Letter (5900–264)
- EPI Award Specification Sheet (5900–265)

Respondents/affected entities: Entities potentially affected by this action are participants in EPA's ENERGY STAR Program in the Commercial and Industrial Sectors.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 15,000 (total).

Frequency of response: One-time, annually, or on occasion.

Total estimated burden: 194,509 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $24,408,276 (per year), including $10,318,180 in annualized capital or operation & maintenance costs and $14,090,096 in annualized labor costs.

Changes in the Estimates: There is an increase of 69,486 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This 69,486-hour increase includes an 18-hour decrease due to program changes and a 69,504-hour increase due to adjustments resulting from program growth. This 69,504-hour increase due to adjustments resulted primarily from the fact that EPA has significantly increased its estimate of the number of respondents using the on-line tool Portfolio Manager and applying for ENERGY STAR Certification. There are several reasons for this increase. A primary reason is that State and local governments are increasingly leveraging ENERGY STAR as a way for the public to respond to rising energy costs and global warming. In addition, associations, utilities, and third-party providers are voluntarily communicating ENERGY STAR messages and promoting the use of ENERGY STAR tools and strategies in an effort to help companies reduce their energy consumption and find more environmentally friendly ways to conduct business. Finally, the public has demonstrated an increasing desire to earn recognition under the ENERGY STAR Program.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–01798 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0503; FRL–9526–9]

Agency Information Collection Activities: Submission to OMB for Review and Approval; Comment Request; Emission Guidelines for Large Municipal Waste Combustors Constructed on or Before September 20, 1994 (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before February 28, 2013.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0503, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 *FR* 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0503, which is available for either public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Emission Guidelines for Large Municipal Waste Combustors Constructed on or before September 20, 1994 (Renewal).

ICR Numbers: EPA ICR Number 1847.06, OMB Control Number 2060–0390.

ICR Status: This ICR is scheduled to expire on February 28, 2013. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A and any changes, or additions to the Provisions specified at 40 CFR part 60, subpart Cb.

Owners or operators of the affected facilities must make an initial notification report, performance tests, periodic reports, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,725 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Large municipal waste combustors.

Estimated Number of Respondents: 81.

Frequency of Response: Annually and semiannually.

Estimated Total Annual Hour Burden: 394,965.

Estimated Total Annual Cost: $52,760,002, which includes $51,204,802 in labor costs, no capital/startup costs, and $1,555,200 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is a small decrease in labor hours for privately-owned respondents and an increase in labor hours for publicly-owned respondents from the most recent ICR. The changes in labor hours are due to rounding in the number of respondents that are subject to semi-annual excess emissions reporting. This ICR uses rounded value for the number of respondents in calculating labor hours and costs. Additionally, there is an increase of one labor hour for the Agency due to correction of rounding error from the previous ICR.

There is also an increase in labor costs for both the respondents and the Agency. This increase is not due to any program changes. The change in cost estimates reflects updated labors rates available from the Bureau of Labor Statistics.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–01802 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0519; FRL–9526–8]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Miscellaneous Organic Chemical Manufacturing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before February 28, 2013.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0519, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 FR 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0519, which is available for either public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Miscellaneous Organic Chemical Manufacturing (Renewal).

ICR Numbers: EPA ICR Number 1969.05, OMB Control Number 2060–0533.

ICR Status: This ICR is scheduled to expire on February 28, 2013. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart FFFF.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 255 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously-applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Miscellaneous organic chemical manufacturing facilities.

Estimated Number of Respondents: 263.

Frequency of Response: Initially, occasionally and semiannually.

Estimated Total Annual Hour Burden: 426,474.

Estimated Total Annual Cost: $46,919,809, which includes $41,294,926 in labor costs, $34,818 in capital/startup costs, and $5,590,065 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is an increase in burden hours and costs for both the respondents and the Agency. This increase in burden from the most recently approved ICR is due to adjustments in labor rates and an increase in the estimated number of respondents subject to the regulations. This ICR uses updated labor rates from the Bureau of Labor Statistics to calculate all burden costs. Additionally, this ICR assumes the respondent universe has increased by six sources (at a growth rate of two sources per year) since the last renewal. The growth in the number of respondents also results in an increase in the total O&M costs.

However, there is a decrease in the total capital/startup costs from the most recently approved ICR. The previous ICR calculated annualized capital costs over 15 years, using an interest rate of 7 percent, and assumed the costs were incurred by both new and existing sources. This ICR assumes that capital costs are one-time costs for new respondents only. This results in a decrease in the total capital costs because only the new sources are subject to these costs.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–01828 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0527; FRL–9527–2]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Paints and Allied Products Manufacturing Area Source Category (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before February 28, 2013.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0527, to (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 FR 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0527, which is available for either public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov*

as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Paints and Allied Products Manufacturing Area Source Category (Renewal).

ICR Numbers: EPA ICR Number 2348.03, OMB Control Number 2060–0633.

ICR Status: This ICR is scheduled to expire on February 28, 2013. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart CCCCCCC.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required annually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1 hour per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action are the owners or operators of paints and allied products manufacturing facilities.

Estimated Number of Respondents: 2,190.

Frequency of Response: Initially and annually.

Estimated Total Annual Hour Burden: 4,533.

Estimated Total Annual Cost: $1,172,604, which includes $1,172,604 in labor costs, no capital/startup costs, and no operation and maintenance (O&M) costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden costs for the respondents as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The increase reflects an adjustment in labor rates. This ICR uses updated labor rates from the Bureau of Labor Statistics to calculate all labor costs.

However, there is an adjustment decrease in the total burden hours and Agency costs from the previous ICR. The change in the burden and cost estimates occurred because the standards have been in effect for more than three years and the requirements are different during initial compliance (new facilities) as compared to on-going compliance (existing facilities). The previous ICR reflected those burdens and costs associated with the initial activities for subject facilities. This includes conducting performance tests, notifying initial compliance status, and establishing recordkeeping systems. This ICR, by in large, reflects only the on-going burden and costs for existing facilities. Activities for existing sources include continuously monitoring of pollutants and the submission of annual reports. Specifically, this ICR includes the burdens associated with annual compliance certification and exceedance reports. Respondents must submit these reports to the Agency only if a deviation from the requirements of this subpart has occurred. This ICR assumes ten percent of respondents will submit these reports annually for Agency review. These changes result in a net decrease in the respondent and Agency burden hours, as well as a decrease in Agency labor costs.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–01830 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0498; FRL–9526–7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Coal Preparation and Processing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before February 28, 2013.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0498, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 *FR* 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0498, which is available for either public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov*.

Title: NSPS for Coal Preparation and Processing Plants (Renewal).

ICR Numbers: EPA ICR Number 1062.13, OMB Control Number 2060–0122.

ICR Status: This ICR is scheduled to expire on February 28, 2013. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A and any changes, or additions to the Provisions specified at 40 CFR part 60, subpart Y. Owners or operators of the affected facilities must make an initial notification report, performance tests, periodic reports, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 19 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Coal preparation and processing plants.

Estimated Number of Respondents: 1,037.

Frequency of Response: Initially, semiannual, and annually.

Estimated Total Annual Hour Burden: 41,998.

Estimated Total Annual Cost: $4,414,741, which includes $4,066,701 in labor costs, $282,400 in capital/startup costs, and $65,640 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the burden and cost estimates occurred because the most recent ICR reflects burdens associated with the final rule amendment, which only applies to sources constructed, reconstructed, or modified on or after April 28, 2008 (i.e. new sources). This ICR estimates the burdens for both existing sources subject to the standard and new sources covered under the rule amendment. Additionally, this ICR uses updated labor rates to calculate all burden costs. This method resulted in an increase of labor hours and costs for both the respondents and the Agency.

There is an adjustment decrease in capital/startup costs in this ICR as compared to the previous ICR. The decrease occurred because the previous ICR assumes all new sources were constructed during Year 1 of the three-year period, and that all capital/startup costs for new sources were incurred that year. This ICR assumes a constant growth rate in the respondent universe over the three-year period and calculates the average capital/startup costs per year.

Additionally, there is an increase in the total O&M costs. The increase is due to a growth in the respondent universe subject to on-going O&M costs since the last ICR.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–01797 Filed 1–28–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 28, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, FCC, at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0270.

Title: Section 90.443, Content of Station Records.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, not for profit institutions and state, local and tribal government.

Number of Respondents: 65,295 respondents; 65,295 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: Recordkeeping requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. section 309(j) of the Communications Act of 1934, as amended.

Total Annual Burden: 16,324 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: Yes. Records of the Wireless Radio Services may include information about individuals or households, and the use(s) and disclosure of this information is governed by the requirements of a system of records, FCC/WTB–1, ''Wireless Services Licensing Records''.

Nature and Extent of Confidentiality: Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules. Information within Wireless Radio Services is maintained in the Commission's system of records notice or ''SORN'', FCC/WTB–1, ''Wireless Services Records''.

Needs and Uses: The Commission will submit this collection to the OMB for approval of an extension in order to obtain the three year clearance from them. There is no change in the recordkeeping requirement. There is no change in the Commission's previous burden estimates. Each licensee in the private land mobile radio service must comply with the recordkeeping requirements in this section pursuant to 47 CFR 90.443 of the Commission's rules. Specifically, paragraph (b) of this rule section requires that the dates and pertinent details of any maintenance performed on station equipment, and the name and address of the service technician who did the work be entered in the station records. These records will reflect whether or not maintenance of the licensee's equipment has been performed.

The maintenance records may be used by the licensee or Commission field personnel to note any recurring equipment problems or conditions that may lead to degraded equipment performance and/or interference generation. Tower lighting records required to ensure that the licensee is aware of the tower light conditions and proper operation, in order to prevent and/or correct any hazards to air navigation.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–01769 Filed 1–28–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 1, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0719.

Title: Quarterly Report of Local Exchange Carriers Listing Payphone Automatic Number Identifications (ANIs).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 400 respondents; 1,600 responses.

Estimated Time per Response: 3.5 hours (8 hours for the initial submission; 2 hours per subsequent submission—for an average of 3.5 hours per response).

Frequency of Response: Quarterly reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation To Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 154, 201–205, 215, 218, 219, 220, 226 and 276 of the Communications Act of 1934, as amended.

Total Annual Burden: 5,600 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. If the respondents wish confidential treatment of their information, they may request confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this expiring information

collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for an extension (no change in the reporting and/or third party disclosure requirements). There is no change to the Commission's previous burden estimates.

The Commission adopted rules and policies governing the payphone industry under section 276(b)(1)(A) of the Telecommunications Act of 1996 (the Act) and established ''a per call compensation plan to ensure that all payphone service providers are fairly compensated for each and every completed intrastate and interstate call.'' Pursuant to this mandate and as required by section 64.1310(d) of the Commission's rules, Local Exchange Carriers (LECs) must provide to carriers required to pay compensation pursuant to section 64.1300(a), a quarterly report listing payphone ANIs.[1] Without provision of this report, resolution of disputed ANIs would be rendered very difficult. Carriers would not be able to discern which ANIs pertain to payphones and therefore would not be able to ascertain which dial-around calls were originated by payphones for compensation purposes. There would be no way to guard against possible fraud. Without this collection, lengthy investigations would be necessary to verify claims. The report allows carriers to determine which dial-around calls are made from payphones. Without this collection, lengthy investigations would be necessary to verify claims. The report allows carriers to determine which dial-around calls are made from payphones. The information must be provided to third parties. The requirement would be used to ensure that LECs and the carriers required to pay compensation pursuant to 47 CFR section 64.1300(a) of the Commission's rules, comply with their obligations under the Telecommunications Act of 1996.

OMB Control Number: 3060–0816.

Title: Local Telephone Competition and Broadband Reporting (Report and Order, WC Docket No. 07–38, FCC 08–89; Order on Reconsideration, WC Docket No. 07–38 FCC 08–148).

Form Number: FCC Form 477.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 1,980 respondents; 3,960 responses.

Estimated Time per Response: 296 hours.

Frequency of Response: Semi-annual reporting requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 4(i), 201, 218–220, 251–252, 271, 303(r), 332, and 403 of the Communications Act of 1934, as amended and section 706 of the Telecommunications Act of 1996, as amended, codified in section 1302 of the Broadband Data Improvement Act, 47 U.S.C. 1302.

Total Annual Burden: 1,172,160 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission will continue to allow respondents to certify, on the first page of the each submission, that some data contained in that submission are privileged or confidential commercial or financial information and that disclosure of such information would likely cause substantial harm to the competitive position of the entity making the submission. If the Commission receives a request for, or proposes to disclose the information, the respondent would be required to show, pursuant to Commission rules for withholding from public inspection information submitted to the Commission, that the information in question is entitled to confidential treatment. We will retain our current policies and procedures regarding the confidential treatment of submitted FCC Form 477 data, including use of the aggregated, non-company specific data in our published reports.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for an extension (no change in the reporting requirements). There are changes to the Commission's previous burden estimates. The Commission has increased the estimated average time per response for this information collection from 289 hours to 296 hours. The adjustment is also due to the increased number of respondents and their types of operations, (e.g., interconnected VoIP service providers with multi-state operations.) There is no change to the FCC Form 477.

FCC Form 477 gathers information on the development of local telephone competition including telephone services and interconnected Voice over Internet Protocol (VoIP) services, and on the deployment of broadband also known as advanced telecommunications services.

The data are necessary to evaluate the status of competition in local telecommunications services markets and to evaluate the status of broadband deployment. The information is used by the FCC staff to advice the Commission about the efficacy of Commission rules and policies adopted to implement the Telecommunications Act of 1996.

OMB Control Number: 3060–0537.

Title: Sections 13.9(c), 13.13(c), 13.17(b), 13.211(e) and 13.217, Commercial Operator License Examination Managers (COLEM) Records.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 9 respondents; 9 responses.

Estimated Time per Response: .44 hours to 30 hours.

Frequency of Response: Recordkeeping requirement and on occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154 and 303 of the Communications Act of 1934.

Total Annual Burden: 14,796 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for a revision. There are changes to the Commission's previous burden estimates. The total annual burden has increased (program change) by 14,787 hours due to additional Commission rule sections added to this information collection, i.e., 47 CFR sections 13.9, 13.13, 13.17 and 13.211 by Report and Order in FCC 13–4.

OMB Control Number: 3060–1096.

Title: Prepaid Calling Card Service Provider Certification, WC Docket No. 05–68.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 121 respondents; 1,452 responses.

Estimated Time per Response: 2.5 hours to 20 hours.

Frequency of Response: Quarterly reporting requirement, recordkeeping requirement and third party disclosure requirement.

[1] 47 U.S.C. 276(b)(1)(A); 47 CFR 64.1310(d).

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 152, 154(i), 201, 202, and 254 of the Communications Act of 1934.

Total Annual Burden: 12,100 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission does not anticipate providing confidentiality of the information submitted by prepaid calling card providers. Particularly, the prepaid call card providers must send reports to their transport providers. Additionally, the quarterly certifications sent to the Commission will be made public through the Commission's Electronic Comment Filing System (ECFS) process. These certifications will be filed in the Commission's docket associated with this proceeding. If the respondents submit information they believe to be confidential, they may request confidential treatment of such information under 47 CFR section 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for an extension (no change in the reporting and/or third party disclosure requirements). There are changes to the Commission's previous burden estimates. The Commission reduced the total annual burden hours by 3,700 hours. This is due to a decrease in the number of respondents/responses.

Prepaid calling card service providers must report quarterly the percentage of interstate, intrastate and international access charges to carriers from which they purchase transport services. Prepaid calling card providers must also file certifications with the Commission on a quarterly basis that include the above information and a statement that they are contributing to the federal Universal Service Fund based on all interstate and international revenue, except for revenue from the sale of prepaid calling cards by, to, or pursuant to contract with the Department of Defense (DoD) or a DoD entity.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–01768 Filed 1–28–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 1, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0496.

Title: ARMIS Operating Data Report.

Report Number: FCC Report 43–08.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 55 respondents; 55 responses.

Estimated Time per Response: 139 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 11, 219(b) and 220 of the Communications Act of 1934, as amended.

Total Annual Burden: 7,645 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: In most cases, ARMIS reports do not require submission of any confidential or commercially-sensitive data. The areas in which detailed information is required are fully subject to regulation. If a respondent finds it necessary to submit a confidential or commercially-sensitive data, Section 0.459, 47 CFR contains the procedures for requesting confidential treatment of data.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for an extension (no change in the reporting requirement). There is no change to the Commission's previous burden estimates.

The ARMIS (Automated Reporting Management Information System) reporting requirements were established by the Commission in 1987 to facilitate the timely and efficient analysis of carrier operating costs and rates of return that provide an improved basis for audits and other oversight functions; and to enhance the Commission's ability to quantify the effects of alternative policy proposals. Additional ARMIS Reports were added in 1991 and 1992. Certain incumbent local exchange carriers (LECs) were required to submit the ARMIS Reports to the Commission annually on or before April 1. *See Reporting Requirements of Certain Class A and Tier 1 Telephone Companies (Parts 31, 43, 67 and 69 of the Commission's rules) CC Docket No. 86–182, Order, 2 FCC Rcd 5770 (1987), modified on recon. 3 FCC Rcd 6375 (1988); see also 47 CFR Part 43, Sections 43.21.*

The information contained in FCC Report 43–08 has helped the Commission fulfill its regulatory

responsibilities. These data facilitate the timely and efficient analysis of revenue requirements, rates of return and price caps, provide an improved basis for auditing and other oversight functions, and enhance the Commission's ability to quantify the effects of policy proposals. Automated reporting of these data also augments the Commission's ability to process and analyze the extensive amount of data provided in the reports.

The Commission has granted AT&T, Verizon, legacy Qwest and other similarly-situated carriers forbearance from FCC Report 43–08, except for Table III, columns FC, FD, FE and FI, business line count information. See Petition of AT&T Inc. for Forbearance under *47 U.S.C. 160 from Enforcement of Certain of the Commission's Cost Assignment Rules, WC Docket Nos. 07–21, 05–342, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008)* (AT&T Cost Assignment Forbearance Order), pet. for recon pending, pet.for review pending, *NASUCA* v. *FCC,* Case No. 08–1226 (D.C. Cir. Filed June 23, 2008); Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21, Memorandum Opinion and Order and Notice of Proposed Rulemaking, *23 FCC Rcd 13747* (2008) (Verizon/Qwest Cost Assignment Forbearance Order), pet. for recon. pending, pet. for review pending, *NASCUA* v. *FCC,* Case No. 08–1353 (D.C. Cir. Filed Nov. 4, 2008).

Despite this forbearance, the Commission seeks OMB approval for the extension of this information collection for three years because petitions for reconsideration and review of those forbearance decisions are currently pending before the Commission and the U.S. Court of Appeals for the D.C. Circuit.

OMB Control Number: 3060–0775.

Title: Section 64.1903, Obligations of All Incumbent Local Exchange Carriers (LECs).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 510 respondents; 510 responses.

Estimated Time per Response: 500 hours to 6,056 hours.

Frequency of Response: Recordkeeping requirements.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 152, 154, 201, 202, 251, 271, 272 and 303(r) of the Communications Act of 1934.

Total Annual Burden: 310,560 hours.

Total Annual Cost: $15,217,440.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for an extension (no change in the recordkeeping requirements). There are no changes to the Commission's previous burden estimates.

Section 64.1903 imposes recordkeeping requirements on independent local exchange carriers (LECs) offering in-region, interstate, interexchange services or in-region international interexchange services. Among other requirements, section 64.1903 requires independent LECs and their affiliates to maintain separate books of account. This regulation does not require that the affiliate maintain books of account that comply with the Commission's Part 32 rules; rather it refers to the fact that as a separate legal entity, the international, interexchange affiliate must maintain its own books of account in the ordinary course of business.

OMB Control Number: 3060–0895.

Title: Numbering Resource Optimization.

Form Number: FCC Form 502.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and state, local or tribal government.

Number of Respondents: 2,780 respondents; 7,385 responses.

Estimated Time per Response: 1 hour to 44.4 hours

Frequency of Response: On occasion and semi-annual reporting requirements and recordkeeping requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 153, 154, 201–205 and 251 of the Communications Act of 1934.

Total Annual Burden: 131,782 hours.

Total Annual Cost: $3,462,800.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: Disaggregated, carrier specific forecast and utilization data will be treated as confidential and will be exempt from public disclosure under 5 U.S.C. 552(b)(4).

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). There are no changes to the reporting and/or recordkeeping requirements. There are no changes to the Commission's previous burden estimates.

The data collected on FCC Form 502 helps the Commission manage the ten-digit North American Numbering Plan (NANP), which is currently being used by the United States and 19 other countries. Under the Communications Act of 1934, as amended, the Commission was given ''exclusive jurisdictions over those portions of the North American Numbering Plan that pertains to the United States.'' Pursuant to that authority, the Commission conducted a rulemaking in March 2000 that the Commission found that mandatory data collection is necessary to efficiently monitor and manage numbering use. The Commission received OMB approval for this requirement and the following:

(1) Utilization/Forecast Report;

(2) Application for initial numbering resource;

(3) Application for growth numbering resources;

(4) Recordkeeping requirement;

(5) Notifications by state commissions;

(6) Demonstration to state commission; and

(7) Petitions for additional delegation of numbering authority.

The data from this information collection is used by the FCC, state regulatory commissions, and the NANPA to monitor numbering resource utilization by all carriers using the resource and to project the dates of area code and NANP exhaust.

OMB Control Number: 3060–1044.

Title: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 03–338 and WC Docket No. 04–313, FCC 04–290, Order on Remand.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 645 respondents; 645 responses.

Estimated Time per Response: 8 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. section 251 of the Communications Act of 1934.

Total Annual Burden: 5,160 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit or disclose confidential information. However, in certain circumstances, respondents may voluntarily choose to submit confidential information pursuant to applicable Commission confidentiality rules.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for an extension (no change in the reporting, recordkeeping and/or third party disclosure requirements). There are no changes to the Commission's previous burden estimates. Section 251 is designed to accelerate private sector and deployment of telecommunications technologies and services by spurring competition. In order to foster competition in the local telephone market, the Telecommunications Act of 1996 requires incumbent local exchange carriers (incumbent LECs) to share certain elements of their local telephone networks, providing them to other carriers at reasonable prices on an unbundled basis. These ''unbundled network elements (UNEs)'' are necessary for competition because the only alternative, building entire new telephone networks, would be prohibitively expensive for new entrants. In Order FCC 03–36, the Commission adopted rules and regulation designed to eliminate operation barriers to competition in the telecommunications services market and implement certain provisions of section 251, including the UNE obligations of incumbent LECs. In the Order on Remand, FCC 04–290, the Commission responded to a decision by the United States Court of Appeals for the District of Columbia that vacated the ''sub-delegation'' of authority to state commissions and vacated and remanded certain nationwide impairment findings, including mass market switching and dedicated transport.

OMB Control Number: 3060–1138.

Title: Sections 1.49 and 1.54, Forbearance Petition Filing Requirements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 10 respondents; 10 responses.

Estimated Time per Response: 640 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 10, 151, 154(i), 154(j), 155(c), 160, 201 and 303(r) of the Communications Act of 1934.

Total Annual Burden: 6,400 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit or disclose confidential information. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for an extension (no change in the reporting, recordkeeping and/or third party disclosure requirements).

Under section 10 of the Communications Act of 1934, as amended, telecommunications carriers may petition the Commission to forbear from applying to a telecommunications carrier any statutory provision or Commission regulation. When a carrier petitions the Commission for forbearance, section 10 requires the Commission to make three determinations with regard to the need for the challenged provision or regulation. If the Commission fails to act within one year (extended by three additional months, if necessary) the petition is ''deemed granted'' by operation of law. These determinations require complex, fact-intensive analysis, e.g., ''whether forbearance from enforcing the provision or regulation will promote competitive market conditions.'' Under the new filing procedures, the Commission requires that petitions for forbearance must be ''complete as filed'' and explain in detail what must be included in the forbearance petition. The Commission also incorporates by reference its rule, 47 CFR 1.49, which states the Commission's standard ''specifications as to pleadings and documents.'' Precise filing requirements are necessary because of section 10's strict time limit for Commission action. Also, commenters must be able to understand clearly the scope of the petition in order to comment on it. Finally, standard filing procedures inform petitioners precisely what the Commission expects from them in order to make the statutory determinations that the statute requires.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–01767 Filed 1–28–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502 -3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 28, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, FCC, at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0270.

Title: Section 90.443, Content of Station Records.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 65,295 respondents; 65,295 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. section 309(j) of the Communications Act of 1934, as amended.

Total Annual Burden: 16,324 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: Yes. Records of the Wireless Radio Services may include information about individuals or households, and the use(s) and disclosure of this information is governed by the requirements of a system of records, FCC/WTB–1, ''Wireless Services Licensing Records''.

Nature and Extent of Confidentiality: Respondents may request materials or information submitted to the Commission to be withheld from public inspection under 47 CFR 0.459 of their rules. Information within Wireless Radio Services is maintained in the Commission's system or records notice or 'SORN', FCC/WTB–1, ''Wireless Services Licensing Records''. Information on private land mobile licensees is maintained in the Commission's system of records. The licensee records will be publicly available and routinely used in accordance with subsection b of the Privacy Act.

Needs and Uses: Each licensee in the private land mobile radio service must comply with the recordkeeping requirement in 47 CFR section 90.443 of the Commission's rules. Specifically, paragraph (b) of this section requires that the dates and pertinent details of any maintenance performed on station equipment, and the name and address of the service technician who did the work be entered in the station records. These records will reflect whether or not maintenance of the licensee's equipment has been performed.

OMB Control Number: 3060–XXXX.

Title: Annual Report for Mobility Fund Phase I Support, FCC Form 690 and Record Retention Requirements.

Form Number: FCC Form 690.

Type of Review: New collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 70 respondents; 820 responses.

Estimated Time per Response: 18 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154, 254 and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 14,830 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission is now submitting this collection to the Office of Management and Budget (OMB) for approval of a new collection.

On May 14, 2012, the Commission released the Third Order on Reconsideration of the USF/ICC Report and Order, FCC 12–52, which revised section 54.1009(a) of the Commission's rules. In adopting the rules, the Commission comprehensively reformed and modernized the universal service and intercarrier compensation systems to ensure that all Americans have access to robust, affordable broadband and advanced mobile services. Concluding that mobile voice and broadband services provide unique consumer benefits, and that promoting the universal availability of such services is a vital component of the Commission's universal service mission, the Commission created the Mobility Fund.

Mobility Fund Phase I support will be awarded through a nationwide reverse auction to determine the entities that would receive support and the amount of support they would receive. For Phase I of the Mobility Fund, the Commission will provide up to $300 million in one-time support to immediately accelerate deployment of networks for mobile broadband services in unserved areas.

The Commission also established a separate and complementary one-time Tribal Mobility Fund Phase I to ward up to $50 million in additional universal service funding to Tribal Areas, including Alaska, to accelerate mobile broadband availability in these remote and underserved areas. The goal of Mobility Fund Phase I is to extend the availability of mobile voice service on networks that provide 3G or better performance and to accelerate the deployment of 4G wireless networks in areas where it is cost effective to do so with one-time support. Winning bidders that elect to provide supported services over 3G networks will have two years to meet their requirements and those that elect to deploy 4G networks will have three years and will receive three disbursements of support during the two or three year period.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–01766 Filed 1–28–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation

Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10469	1st Regents Bank	Andover	MN	1/18/2013

Dated: January 22, 2013.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

[FR Doc. 2013–01725 Filed 1–28–13; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829.

Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW.,Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following reports:

1. Report title: Disclosure and Reporting Requirements of CRA-Related Agreements.

Agency form number: Reg G.

OMB Control number: 7100–0299.

Frequency: On occasion and annual.

Reporters: Insured depository institutions (IDIs), savings and loan holding companies (SLHCs) and nongovernmental entities or persons (NGEPs).

Estimated annual reporting hours: 78 hours.

Estimated average hours per response: 1 hour (3 disclosure requirements and 5 reporting requirements) and 4 hours (2 reporting requirements).

Number of respondents: 3 IDIs and SLHCs, and 6 NGEPs.

General description of report: This information collection is mandatory pursuant the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1831y(b) and (c). The FDI Act authorizes the Federal Reserve to require the disclosure and reporting requirements of Regulation G (12 CFR part 207). In general, the Federal Reserve does not consider individual respondent commercial and financial information collected by the Federal Reserve pursuant to Regulation G as confidential. However, a respondent may request confidential treatment pursuant to section (b)(4) of Freedom of Information Act, 5 U.S.C 552(b)(4).

Abstract: Section 48 of the Federal Deposit Insurance Act (FDI Act), entitled ''CRA Sunshine Requirements,'' imposes disclosure and reporting requirements on IDIs or their affiliates, and NGEPs that enter into written agreements that meet certain criteria (covered agreements).[1] The written agreements must (1) be made in fulfillment of the CRA and (2) involve funds or other resources of an IDI or affiliate with an aggregate value of more than $10,000 in a year, or loans with an aggregate principal value of more than $50,000 in a year. Section 48 excludes from the disclosure and reporting requirements any agreement between an IDI or its affiliate and an NGEP if the NGEP has not contacted the IDI or its affiliate, or a banking agency, concerning the CRA performance of the IDI.

The disclosure and reporting requirements in connection with Regulation G are mandatory and apply to state member banks and their subsidiaries; savings and loan holding companies; bank holding companies; affiliates of bank holding companies, other than banks, savings associations, and subsidiaries of banks and savings associations; and NGEPs that enter into covered agreements with any of the aforementioned companies.

Current Actions: On November 21, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 69843) requesting public comment for 60 days on the extension, without revision, of the Disclosure and Reporting Requirements of CRA-Related Agreements. The comment period for this notice expired on January 22, 2013. The Federal Reserve did not receive any comments.

2. *Report title:* Disclosure Requirements in Connection With Subpart H of Regulation H (Consumer Protections in Sales of Insurance).

Agency form number: Reg H–7.

OMB control number: 7100–0298.

Frequency: On occasion.

Reporters: State member banks.

Estimated annual reporting hours: 12,962 hours.

Estimated average hours per response: 1.5 minutes.

Number of respondents: 823.

General description of report: This information collection is mandatory pursuant the Federal Deposit Insurance (FDI) Act, 12 U.S.C. 1831x. The FDI Act authorizes the Federal Reserve to require the disclosure requirements associated with Subpart H of Regulation H (12 CFR 208.81–208.86). Since the Federal Reserve does not collect any

[1] 12 U.S.C. 1831y.

information, no issue of confidentiality normally arises.

Abstract: Section 305 of the Gramm-Leach-Bliley Act of 1999 requires financial institutions to provide written and oral disclosures to consumers in connection with the initial sale of an insurance product or annuity concerning its uninsured nature and the existence of the investment risk, if appropriate, and the fact that insurance sales and credit may not be tied.

Covered persons are required to make insurance disclosures before the completion of the initial sale of an insurance product or annuity to a consumer. The disclosure must be made orally and in writing to the consumer that: (1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, the financial institution or an affiliate of the financial institution; (2) the insurance product or annuity is not insured by the Federal Deposit Insurance Corporation or any other agency of the United States, the financial institution, or (if applicable) an affiliate of the financial institution; and (3) in the case of an insurance product or annuity that involves an investment risk, there is investment risk associated with the product, including the possible loss of value.

Covered persons are required to make a credit disclosure at the time a consumer applies for an extension of credit in connection with which an insurance product or annuity is solicited, offered, or sold. The disclosure must be made orally and in writing that the financial institution may not condition an extension of credit on either: (1) The consumer's purchase of an insurance product or annuity from the financial institution or any of its affiliates; or (2) the consumer's agreement not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

Current Actions: On November 21, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 69843) requesting public comment for 60 days on the extension, without revision, of the Disclosure Requirements in Connection With Subpart H of Regulation H (Consumer Protections in Sales of Insurance). The comment period for this notice expired on January 22, 2013. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, January 24, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–01827 Filed 1–28–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: *Background.* Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829.

Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551. OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

1. Report title: Consumer Satisfaction Questionnaire, the Federal Reserve Consumer Help—Consumer Survey, the Consumer Online Complaint Form, and the Appraisal Complaint Form.

Agency form number: FR 1379a, FR 1379b, FR 1379c, and FR 1379d.

OMB control number: 7100–0135.

Frequency: Event generated.

Effective Date: March 2013.

Reporters: Consumers, appraisers, and financial institutions.

Estimated annual reporting hours: FR 1379a: 116 hours; FR 1379b: 167 hours; FR 1379c: 1,351 hours; FR 1379d: 100 hours.

Estimated average hours per response: FR 1379a: 5 minutes; FR 1379b: 5 minutes; FR 1379c: 10 minutes; FR 1379d: 30 minutes.

Number of respondents: FR 1379a: 1,391; FR 1379b: 2,001; FR 1379c: 8,107; FR 1379d: 200.

General description of report: This information collection is voluntary and is authorized by law pursuant to section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a), and sections 3(q) and 8 of the Federal Deposit Insurance Act (FDIC Act), 12 U.S.C. 1813(Q) and 1818. Additionally the Federal Reserve is authorized to collect the information on the FR 1379d pursuant to section 1103 of the Financial Institutions and Reform, Recovery, and Enforcement Act, which authorizes the Federal Financial Institutions Examination Council-Appraisal Subcommittee to ''perform research, as [it] considers appropriate,'' for the purpose of carrying out its duties, 12 U.S.C. 3335. The FR 1379a is not considered confidential. The FR 1379b collects the respondent's name and the respondent may provide other personal information and information regarding his or her complaint. The FR 1379c collects the respondent's third-party representative if the respondent has such a representative. The proposed FR 1379d would collect the respondent's name and the respondent may provide other personal information and information regarding his or her complaint. Thus, some of the information collected on the FR 1379b, FR 1379c, and FR 1379d may be considered confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), (b)(7)).

Abstract: The FR 1379a questionnaire is sent to consumers who have filed complaints with the Federal Reserve against state member banks. The information is used to assess their satisfaction with the Federal Reserve's handling and written response to their complaint at the conclusion of an investigation. The FR 1379b questionnaire is sent as needed to consumers who contact the FRCH to file a complaint or inquiry. The information is used to determine whether consumers are satisfied with the way the FRCH handled their complaint. Consumers use the FR 1379c to electronically submit a complaint against a financial institution

to the FRCH. The FR 1379d collects information about complaints regarding a regulated institution's non-compliance with the appraisal independence standards and the Uniform Standards of Professional Appraisal Practice,[1] including complaints from appraisers, individuals, financial institutions, and other entities.

Current Actions: On November 14, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 67816) requesting public comment for 60 days on the extension, with revision, of the FR 1379. The comment period for this notice expired on January 14, 2013. The Federal Reserve did not receive any comments. The revisions will be implemented as proposed.

2. *Report title:* Semiannual Report of Derivatives Activity.

Agency form number: FR 2436.

OMB control number: 7100–0286.

Frequency: Semiannually.

Effective Date: June 2013.

Reporters: U.S. dealers of over-the-counter derivatives.

Estimated annual reporting hours: 2,120.

Estimated average hours per response: 212.

Number of respondents: 5.

General description of report: This information collection is voluntary (12 U.S.C. 225a, 248(a), 348(a), 263, and 353–359) and is given confidential treatment under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Abstract: This collection of information complements the ongoing triennial Survey of Foreign Exchange and Derivatives Market Activity (FR 3036; OMB No. 7100–0285). The FR 2436 collects similar data on the outstanding volume of derivatives, but not on derivatives turnover. The Federal Reserve conducts both surveys in coordination with other central banks and forwards the aggregated data furnished by U.S. reporters to the Bank for International Settlements (BIS), which publishes global market statistics that are aggregations of national data.

Current Actions: On November 14, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 67816) requesting public comment for 60 days on the extension, with revision, of the FR 2436. The comment period for this notice expired on January 14, 2013. The Federal Reserve did not receive any comments. The revisions will be implemented as proposed.

3. *Report title:* Central Bank Survey of Foreign Exchange and Derivative Market Activity.

Agency form number: FR 3036.

OMB control number: 7100–0285.

Frequency: One-time.

Effective Date: Turnover Survey, April 2013; Outstandings survey, June 2013.

Reporters: Financial institutions that serve as intermediaries in the wholesale foreign exchange and derivatives market and dealers.

Estimated annual reporting hours: Turnover Survey, 2,275 hours; Outstandings survey, 210 hours.

Estimated average hours per response: Turnover Survey, 65 hours; Outstandings survey, 70 hours.

Number of respondents: Turnover Survey, 35; Outstandings survey, 3.

General description of report: This information collection is voluntary (12 U.S.C. 225a and 263) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: The FR 3036 is the U.S. part of a global data collection that is conducted by central banks once every three years. More than 50 central banks plan to conduct the survey in 2013. The BIS compiles aggregate national data from each central bank to produce global market statistics. The Federal Reserve System and other government agencies use the survey to monitor activity in the foreign exchange and derivatives markets. Respondents also use the published data to gauge their market share.

Current actions: On November 14, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 67816) requesting public comment for 60 days on the extension, with revision, of the FR 3036. The comment period for this notice expired on January 14, 2013. The Federal Reserve did not receive any comments. The surveys will be conducted in April and June as proposed.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Domestic Branch Notification.

Agency form number: FR 4001.

OMB control number: 7100–0097.

Frequency: On occasion.

Reporters: State member banks (SMBs).

Estimated annual reporting hours: 501 hours.

Estimated average hours per response: 30 minutes for expedited notifications and 1 hour for nonexpedited notifications.

Number of respondents: 207 expedited and 397 nonexpedited.

General description of report: This information collection is mandatory per section 9(3) of the Federal Reserve Act (12 U.S.C. 321). This requirement is implemented by the provisions of section 208.6 of the Board's Regulation H (12 CFR 208.6). The individual respondent information in the notification is not considered confidential.

Abstract: The Federal Reserve Act and Regulation H require an SMB to seek prior approval of the Federal Reserve System before establishing or acquiring a domestic branch. Such requests for approval must be filed as notifications at the appropriate Reserve Bank for the SMB. Due to the limited information that an SMB generally has to provide for branch proposals, there is no formal reporting form for a domestic branch notification. An SMB is required to notify the Federal Reserve by letter of its intent to establish one or more new branches and provide with the letter evidence that public notice of the proposed branch(es) has been published by the SMB in the appropriate newspaper(s). The Federal Reserve uses the information provided to fulfill its statutory obligation to review any public comment on proposed branches before acting on the proposals and otherwise to supervise SMBs.

Current Actions: On November 14, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 67816) requesting public comment for 60 days on the extension, without revision, of the FR 4001. The comment period for this notice expired on January 14, 2013. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, January 23, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–01735 Filed 1–28–13; 8:45 am]

BILLING CODE 6210–01–P

[1] *www.appraisalfoundation.org/.*

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting; Correction

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Sunshine Act meeting; correction.

SUMMARY: The Federal Retirement Thrift Investment Board published a document in the **Federal Register** on January 23, 2013 concerning an upcoming meeting. The document contained an individual's incorrect title.

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

CORRECTION: In the **Federal Register** of January 23, 2013, in FR Doc. 78–4854,

on page 4855, first column, six lines from the top of the page, correct the title ''Acting Executive Director'' to read: ''Executive Director''.

Dated: January 24, 2013.

James B. Petrick,

Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. 2013–01965 Filed 1–25–13; 11:15 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting Notice for the President's Advisory Council on Faith-Based and Neighborhood Partnerships

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the President's Advisory Council on Faith-based and Neighborhood Partnerships announces the following three conference calls:

Name: President's Advisory Council on Faith-based and Neighborhood Partnerships Council Conference Calls

Time and Date: Wednesday, February 13th, 4:00 p.m.–5:30 p.m. (e.s.t.); Wednesday, February 27th, 4:00 p.m.–5:30 p.m. (e.s.t.); Wednesday, March 13th, 4:00 p.m.–5:30 p.m. (e.s.t.)

Place: All meetings announced herein will be held by conference call The call-in line is: 1–866–823–5144, Passcode: 1375705. Space is limited so please RSVP to *partnerships@hhs.gov* to participate.

Status: Open to the public, limited only by lines available.

Purpose: The Council brings together leaders and experts in fields related to the work of faith-based and neighborhood organizations in order to: Identify best practices and successful modes of delivering social services; evaluate the need for improvements in the implementation and coordination of public policies relating to faith-based and other neighborhood organizations; and make recommendations for changes in policies, programs, and practices.

Contact Person for Additional Information: Please contact Ben O'Dell for any additional information about the President's Advisory Council meeting at *partnerships@hhs.gov.*

Agenda: Please visit *http://www.whitehouse.gov/partnerships* for further updates on the Agenda for the meeting.

Public Comment: There will be an opportunity for public comment at the conclusion of the meeting. Comments and questions can be asked over the conference call line, or sent in advance to *partnerships@hhs.gov.*

Dated: January 23, 2013.

Ben O'Dell,

Associate Director for Center for Faith-based and Neighborhood Partnerships at U.S. Department of Health and Human Services.

[FR Doc. 2013–01844 Filed 1–28–13; 8:45 am]

BILLING CODE 4154–07–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10438, CMS–10439 and CMS–10440]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Data Collection to Support Eligibility Determinations and Enrollment for Employees in the Small Business Health Options Program; *Use:* Section 1311(b)(1)(B) of the Affordable Care Act requires that the Small Business health Option Program (SHOP) assist qualified small employers in facilitating the enrollment of their employees in qualified health programs (QHPs) offered in the small group market. Section 1311(c)(1)(F) of the Affordable Care Act requires HHS to establish criteria for certification of health plans as QHPs and that these criteria must require plans to utilize a uniform enrollment form that qualified employers may use. Further, section 1311(c)(5)(B) requires HHS to develop a model application and Web site that assists employers in determining if they are eligible to participate in SHOP. Consistent with these authorities, HHS has developed a single, streamlined form that employees will use apply to the SHOP. Section 155.730 of the Exchanges Final Rule (77 FR 18310) provides more detail about this ''single employee application,'' which will be used to determine eligibility.

The information will be required of each employee upon initial application with subsequent information collections for the purposes of confirming accuracy of previous submissions or updating information from previous submissions. Information collection will begin during initial open enrollment in October 2013, per § 155.410 of the Exchanges Final Rule. Applications for the SHOP will be collected year round, per the rolling enrollment requirements of § 155.725 of the Exchanges Final Rule.

Employees will be able to submit an application for the SHOP online, using a paper application, over the phone through a call center operated by an Exchange, or in person through an agent, broker, or Navigator, per § 155.730(f) of the Exchanges Final Rule. If an employee does not enroll in coverage through the SHOP, the information will be erased after a specified period of time. If an employee enrolls in coverage through the SHOP, the information will be retained to document the enrollment, to allow reconciliation with issuer records, and to provide information for future coverage renewals or changes in coverage.

Every qualified employee of an employer participating in the SHOP who wishes to apply for coverage through the SHOP will need to complete an application to determine his or her eligibility. The applicant will also be asked to verify his or her understanding of the application and sign attestations regarding information in the application. The completed application will be submitted to the SHOP in the employer's state.

Applicants who choose to complete the electronic application will need to create an online account at the beginning of the application process.

We estimate that it will take approximately 0.159 hours (9.53 minutes) per applicant to submit a completed paper application. The Congressional Budget Office (CBO) estimates approximately 3 million people will enroll in health insurance through a SHOP in 2014. Assuming family size of approximately 3 per employee, we expect approximately 1 million employees to complete an application in 2014 for a total of approximately 93,300 burden hours.

CBO estimates approximately 2 million people will enroll in health insurance through a SHOP in 2015 and 3 million in 2016. Consequently, we estimate that approximately 666,666 employees will apply to a SHOP in 2015

and approximately 1 million will apply in 2016.

The 60-day **Federal Register** notice published on July 6, 2012 (77 FR 40061). We received public comments from over 20 entities addressing topics such as the purpose and use of the information collection and burden estimates. Some of the commenters were concerned with duplicate or overly burdensome data collection as related to the employee application. CMS is working with states to minimize any required document submission to streamline and reduce duplication, especially in future years. We have taken into consideration all of the proposed suggestions and have made changes to this collection of information, such as adding a privacy statement, information on the availability of other coverage, pre-population of certain applicant information, and whether the employee is waiving SHOP coverage.

Form Number: CMS–10438 (OCN: 0938–NEW); *Frequency:* Once; *Affected Public:* Individuals or Households; *Number of Respondents:* 1,000,000; *Total Annual Responses:* 1,000,000; *Total Annual Hours:* 93,300 hours. (For policy questions regarding this collection contact Leigha Basini at 301–492–4307. For all other issues call 410–786–1326.)

2. Type of Information Collection Request: New collection (Request for a new OMB control number); *Title of Information Collection:* Data Collection to Support Eligibility Determinations and Enrollment for Small Businesses in the Small Business Health Options Program; *Use:* Section 1311(b)(1)(B) of the Affordable Care Act requires that the SHOP assist qualified small employers in facilitating the enrollment of their employees in QHPs offered in the small group market. Section 1311(c)(1)(F) of the Affordable Care Act requires HHS to establish criteria for certification of health plans as QHPs and that these criteria must require plans to utilize a uniform enrollment form that qualified employers may use. Further, section 1311(c)(5)(B) requires HHS to develop a model application and web site that assists employers in determining if they are eligible to participate in SHOP. Consistent with these authorities, HHS has developed a single, streamlined form that employers will use apply to the SHOP. Section 155.730 of the Exchanges Final Rule provides more detail about this ''single employer application,'' which will be used to determine employer eligibility.

The information will be required of each employer upon initial application with subsequent information collections for the purposes of confirming accuracy of previous submissions or updating information from previous submissions. Information collection will begin during initial open enrollment in October 2013, per § 155.410 of the Exchanges Final Rule. Applications for the SHOP will be collected year round, per the rolling enrollment requirements of § 155.725 of the Exchanges Final Rule

Employers will be able to submit an application for the SHOP online, using a paper application, over the phone through a call center operated by an Exchange, or in person through an agent, broker, or Navigator, per § 155.730(f) of the Exchanges Final Rule. If an employer does not complete the application, the information will be erased after a specified period of time. If an employer completes the application and offers coverage to qualified employees through the SHOP, the information will be retained to document the offer of coverage, to allow reconciliation with issuer records, and to provide information for future coverage renewals or changes in coverage.

Every employer wishing to apply for coverage through the SHOP will need to complete an application to determine its eligibility to participate in the SHOP. The applicant will also be asked to verify his or her understanding of the application and sign attestations regarding information in the application. The completed application will be submitted to the SHOP in the employer's state. Applicants who choose to complete the electronic application will need to create an online account at the beginning of the application process.

We estimate that it will take approximately 0.209 hours (12.57 minutes) per applicant to submit a completed paper application. We had several individuals fill out the paper application, averaged their times to complete the application, and factored in additional time due to potential variation in applicants' health literacy rate. The Congressional Budget Office (CBO) estimates approximately 3 million people will enroll in health insurance through a SHOP in 2014. Assuming a small business size of approximately 5 employees and a family size of approximately 3 per employee [1], we estimate that approximately 200,000 employers will apply to a SHOP in 2014. Consequently, we expect approximately 200,000 employers to complete an application in 2014 for a total of approximately 24,520 burden hours.

CBO estimates approximately 2 million people will enroll in health insurance through a SHOP in 2015 and 3 million in 2016. Consequently, we estimate that approximately 133,333 employers will apply to a SHOP in 2015 and approximately 200,000 will apply in 2016.

The 60-day **Federal Register** notice published on July 6, 2012 (77 FR 40061). We received public comments from over 20 entities addressing topics such as the purpose and use of the information collection and burden estimates. Some of the commenters were concerned with duplicate or overly burdensome data collection as related to the employer application. CMS is working with States to minimize any required document submission to streamline and reduce duplication, especially in future years. We have taken into consideration all of the proposed suggestions and have made changes to this collection of information, such as adding a privacy statement, ''doing business as'' information, employer type, and making electronic notices the default option. Some information related to the employer choice of plan offerings and contribution is removed because it is not necessary for an eligibility determination. *Form Number:* CMS–10439 (OCN: 0938–NEW); *Frequency:* Annually; *Affected Public:* Private Sector: Business or Other For-Profit, Non-For-Profit Institutions, or Farms; *Number of Respondents:* 200,000; *Total Annual Responses:* 200,000; *Total Annual Hours:* 24,520 hours. (For policy questions regarding this collection contact Leigha Basini at 301–492–4307. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of information collection:* Data Collection to Support Eligibility Determinations for Insurance Affordability Programs and Enrollment through Affordable Insurance Exchanges, Medicaid and Children's Health Insurance Program Agencies; *Use:* Section 1413 of the Affordable Care Act directs the Secretary of Health and Human Services to develop and provide to each State a single, streamlined form that may be used to apply for coverage through the Exchange and Insurance Affordability Programs, including Medicaid, the Children's Health Insurance Program (CHIP), and the Basic Health Program, as applicable. The application must be

[1] Based on US Census data of business size in 2008, the vast majority of employer firms (restricted to employer firms with 1–99 employees) have 1–4 employees. Based on ASPE analysis of 2011 Current Population Survey data, the average family size (restricted to individuals under the age of 65) with income above 400% Federal Poverty Level is 3.16

structured to maximize an applicant's ability to complete the form satisfactorily, taking into account the characteristics of individuals who qualify for the programs. A State may develop and use its own single streamlined application if approved by the Secretary in accordance with section 1413 and if it meets the standards established by the Secretary.

Section 155.405(a) of the Exchange Final Rule (77 FR 18310) provides more detail about the application that must be used by the Exchange to determine eligibility and to collect information necessary for enrollment. The regulations in § 435.907 and § 457.330 establish the requirements for State Medicaid and CHIP agencies related to the use of the single streamlined application. CMS is designing the single streamlined application to be a dynamic online application that will tailor the amount of data required from an applicant based on the applicant's circumstances and responses to particular questions. The paper version of the application will not be able to be tailored in the same way but is being designed to collect only the data required to determine eligibility. Individuals will be able to submit an application online, through the mail, over the phone through a call center, or in person, per § 155.405(c)(2) of the Exchange Final Rule, as well as through other commonly available electronic means as noted in § 435.907(a) and § 457.330 of the Medicaid Final Rule. The application may be submitted to an Exchange, Medicaid or CHIP agency.

The online application process will vary depending on each applicant's circumstances, their experience with health insurance applications and online capabilities. The goal is to solicit sufficient information so that in most cases no further inquiry will be needed. We estimate that on average it will take approximately .50 hours (30 minutes) to complete for people applying for Insurance Affordability Programs. It will take an estimated .25 hours (15 minutes) to complete without consideration for Insurance Affordability Programs. We expect approximately 7,840,477 applications to be submitted for Insurance Affordability Programs between 2014 and 2016. The total burden is estimated to be 5,548,859 cumulative burden hours. We estimate 1,265,823 applications to be submitted online without consideration for Insurance Affordability Programs between 2014 and 2016, resulting in 284,281 cumulative burden hours. The paper application process will take approximately .75 hours (45 minutes) to complete for those applying for Insurance Affordability Programs and .33 hours (20 minutes) for those applying without consideration for Insurance Affordability Programs. We expect approximately 784,048 applications to be submitted for Insurance Affordability Programs on paper in 2014 through 2016 for a cumulative total of 588,035 burden hours. We estimate 126,583 applications will be submitted without consideration for Insurance Affordability Programs from 2014 through 2016. Total burden hours are expected to be 41,772 burden between 2014 and 2016.

CMS received approximately 65 public comments in response to the 60 day notice. These comments addressed a range of topics, including the application process, paper and/or online accessibility, processes for verifying information, privacy and security of information, and the types of questions or data elements that should be included. CMS made significant changes to the application materials, namely moving from categories of data elements to completed draft applications. Because of the significant changes throughout, it is not feasible to list each individual change.

CMS also adjusted the burden estimates due to changes in coverage estimates due to Congressional Budget Office revisions from July 2012. The expected number of applications between 2014–216 has increased to 7,840,477 from 7,700,260; the estimated burden hours have increased from 5,548,859 to 1,812,230. *Form Number:* CMS–10440 (OCN: 0938–NEW); *Frequency:* Once per year; *Affected Public:* Individuals and Households; *Number of Respondents:* 3,035,434; *Total Annual Responses:* 3,035,434; *Total Annual Hours:* 1,085,944 hours. (For policy questions regarding this collection contact Hannah Moore at 301–492–4232. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on *February 28, 2013.*

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974, Email: *OIRA_submission@omb.eop.gov.*

Dated: January 22, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–01770 Filed 1–25–13; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0012]

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA), Office of Foods has modified its structure and reorganized to the Office of Foods and Veterinary Medicine (OFVM). This new organizational structure was approved by the Secretary of Health and Human Services on July 20, 2012, and implemented on October 1, 2012.

FOR FURTHER INFORMATION CONTACT: Erik Mettler, Office of Foods and Veterinary Medicine, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–4500.

SUPPLEMENTARY INFORMATION:

I. Summary

Part D, Chapter D–B (Food and Drug Administration), Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970; 60 FR 56605, November 9, 1995; 64 FR 36361, July 6, 1999; 72 FR 50112, August 30, 2007; 74 FR 41713, August 18, 2009; and 76 FR 45270, July 28, 2011) is amended in recognition of the fact that most of the work of the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine affects the food system as a whole and requires an integrated approach, FDA has modified the Office of Foods structure and reorganized to the OFVM. This reorganization will allow for effective implementation of the new, risk-based mandates of the FDA Food Safety Modernization Act (Pub. L. 111–353) and the demand the law places on FDA for an integrated implementation

effort and a systematic approach to risk-based priority setting and resource allocation. This reorganization is explained in Staff Manual Guides 1160.1, 1160.10, 1160.20, 1230.1, and 1241.1.

The Food and Drug Administration, OVFM has been restructured as follows:

DJJ. ORGANIZATION—OVFM is headed by the Deputy Commissioner for Foods and Veterinary Medicine and includes the following organizational units:

Office of Foods and Veterinary Medicine

Communications and Public Engagement Staff

Executive Secretariat Staff

Office of Coordinated Outbreak Response and Evaluation Network

Prevention Staff

Response Staff

Office of Resource Planning and Strategic Management

Strategic Planning and Budget Formulation Staff

Risk Analytics Staff

Center for Food Safety and Applied Nutrition

Center for Veterinary Medicine

II. Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

III. Electronic Access

Persons interested in seeing the complete Staff Manual Guide can find it on FDA's Web site at: *http://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm.*

Dated: January 24, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–01815 Filed 1–28–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Request for Information (RFI): Opportunities To Apply a Department of Health and Human Services Message Library To Advance Understanding About Toddler and Preschool Nutrition and Physical Activity

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice.

SUMMARY: This Request for Information (RFI) solicits ideas and information related to ways in which the U.S. Department of Health and Human Services (HHS) can work with interested partners to disseminate and apply a library of short, evidence-based messages known as TXT4Tots. This library of brief informational nutrition and physical activity focused messages was developed and tested by the American Academy of Pediatrics (AAP) under a cooperative agreement with the Health Resources and Services Administration (HRSA). The TXT4Tots library is targeted to parents and caregivers of children, ages 1–5 years, and is available in both English and Spanish. Content for the messages was derived from AAP's ''Bright Futures: Guidelines for Health Supervision of Infants, Children, and Adolescents,'' which uses a developmentally based approach to address children's health needs in the context of family and community. The name TXT4Tots describes the library of developed messages and does not necessarily imply the need for dissemination through mobile, Short Message Service messaging.

HRSA is issuing this RFI to solicit information and ideas on how to effectively incorporate the TXT4Tots library of messages into a wide variety of existing public and private programs and products that can best meet the needs of parents, caregivers, and child advocates, including health care providers. We recognize there are multiple ways this can occur and, therefore, are seeking input on how the TXT4Tots message library could be maximized to advance understanding about toddler and preschool nutrition and physical activity, and the interests of potential partners in working with HHS to do so. The intent is to build upon current programs, policies, and infrastructure to enhance education, disseminate the TXT4Tots message library, and leverage existing programs in innovative ways, particularly to support outreach to underserved communities where access to health education may be limited. The goal is to ensure that the TXT4Tots library of messages remains publicly available at no cost for noncommercial purposes. In addition to this RFI for written comments, HRSA intends to host a short, in-person forum in Washington, DC, to hear proposed comments from the public. Participation in the forum will also be possible through a dedicated conference call line and webinar capabilities. Further details on the forum are described below.

DATES: Written and electronic responses should be submitted to HRSA on or before Tuesday, February 19, 2013, at 5 p.m. EST at the address listed below.

ADDRESSES: You may submit comments by one of the following methods:

- Electronic responses should be addressed to *ohitq@hrsa.gov* using the title ''Response to RFI'' in the subject line.
- Written responses should be addressed to the Department of Health and Human Services, Health Resources and Services Administration, Attention: Response to RFI, Suite 7–100, 5600 Fishers Lane, Rockville, Maryland 20857.
- A copy of this RFI will also be available at *www.hhs.gov/open.*

The submission of written materials in response to the RFI should not exceed eight double-spaced pages, not including appendices and supplemental documents. Responders may submit other forms of electronic materials to demonstrate or exhibit concepts of their written responses. Any information you submit will be made public. Consequently, do not send proprietary, commercial, financial, business confidential, trade secret, or personal information that you do not wish to be made public. Responses to this RFI will be available to the public at HRSA, 5600 Fishers Lane, Rockville, Maryland 20857. Please email *ohitq@hrsa.gov* to arrange access.

FOR FURTHER INFORMATION CONTACT: Yael Harris, Ph.D., Health Resources and Services Administration, Office of Special Health Affairs, Office of Health Information Technology and Quality, 5600 Fishers Lane, Room 7–100, Rockville, Maryland 20857, or email *yharris@hrsa.gov.*

SUPPLEMENTARY INFORMATION:

Instructions for Participating in Public Forum: An in-person forum will take place on February 20, 2013, from 1–3 p.m. EST. Opportunities for public comment will be made available the day

of the event for those attending in person. The meeting will take place at the Hubert Humphrey Building, 200 Independence Avenue, Room 800, Washington, DC 20201. In-person attendees should allow time to get through security and will be personally escorted. In order to participate by webinar, please register at the following link: *https://www3.gotomeeting.com/register/769306734.*

After registering, individuals will receive a confirmation email containing information about joining the webinar on the day of the event.

Background Information

As the lead federal agency charged with providing health and human services to all Americans, the challenges facing HHS are tremendous. We are working every day to give Americans the building blocks they need to live healthy and successful lives. In the last few years, the use of mobile health as a tool to improve individual and family health as well as improve patient-provider communication has grown tremendously. Personalized tools and the ability to get instant access to information have empowered individuals to be more engaged in managing their health. According to a Pew Charitable Trusts study conducted in 2012, approximately 85 percent of American adults own a cell phone and 53 percent of these individuals have a smart phone, allowing them access to their email, the internet, and health care applications from any location. Research shows that one in three cell phone users have used their phone to look up health information and, among those with smartphones, more than half report using their cell phone to gather health information. The use of cell phones for health information is highest among those who self identify as caregivers and those of childbearing age. Research conducted by the AAP in 2011 indicated that many parents of young children would value timely information related to nutrition and physical activity and agree that having this information transmitted via their mobile device would be desirable. A group of physicians who participated in a focus group with the AAP indicated that they would consider referring parents and caregivers to a resource that could provide reliable, trust-worthy information on healthy eating and physical activity for young children. Other modalities besides mobile text messaging to communicate health information can include, but are not limited to, video games addressing children's health, online games and programs around childhood health, online communities focused on pediatric health, email and/or phone reminders, personalized information on patient portals, mobile health applications, and physician tear pads.

This RFI builds on efforts to engage stakeholders in the integration of innovative health education strategies. The intent is to build upon existing platforms and outreach models for pediatric health, and support parents and caregivers of young children ages 1–5 years.

The complete message library will be made available to the public on February 20. Below are some examples of the messages contained within the library:

Nutrition

1. We know you're a family on the go, but try to only eat fast food once a week. If eating fast food today, try grilled chicken or pick fruit as a side.

2. 100% fruit juice has sugar that damages teeth as much as soda. Limit to 4–6 oz daily. Try water with fruit slices instead.

3. Fighting a picky eater can be a real challenge, have your picky eater help you make the meal. Let them set the table or stir the vegetables.

Snacking

1. Snacking on the run? Keep cheese sticks, apple slices, and whole grain crackers on hand. 2–3 snacks a day prevent hunger temper tantrums.

2. You are a great role model. Show your preschooler the healthy choices you make by snacking on fruits and veggies together.

3. Let your child pick healthy snacks at the grocery store. Watch this video for a fun idea to do with snacks after the store: bit.ly/sUClvM.

Physical Activity

1. Activity idea! Play freeze dance. Put on your child's favorite music and take turns turning it off and on!

2. Activity idea! Play Follow The Leader! Let your child be the leader too—march, crawl, or dance for fun.

3. Being a parent is a busy job. Try adding exercise to your day by taking the stairs or parking the car away from the store entrance.

Information Requested

In addition to the general solicitation of comments above, we are also asking the following questions for the public to consider in the context of the preceding discussion within this document:

1. What are potential vehicles of communication for disseminating the TXT4Tots message library?

2. How could the TXT4Tots library of messages be integrated into current or new programs or platforms?

3. How could the TXT4Tots library of messages be incorporated into public and private (national, state, local, and tribal) programs and products?

4. How could HHS work with partners to leverage the message library?

5. What are situational opportunities for engaging stakeholders that might lead to behavior change as a result of incorporating the TXT4Tots library into current or new programs?

Dated: January 23, 2013.

Mary K. Wakefield,

Administrator.

[FR Doc. 2013–01728 Filed 1–28–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Clinical and Preventive Services Indigenous Child Health—Strong Communities, Healthy Children; Single Source Cooperative Agreement; Funding

Announcement Number: HHS–2013–IHS–HPDP–0001; *Catalog of Federal Domestic Assistance Number:* 93.443.

Key Dates

Application Deadline Date: February 25, 2013.

Review Date: March 4, 2013.

Earliest Anticipated Start Date: March 15, 2013.

Proof of Non-Profit Status Due Date: February 25, 2013.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Clinical and Preventive Services (OCPS) is announcing a single source cooperative agreement application for support of the 5th International Meeting on Indigenous Child Health. This program is authorized under: the Snyder Act, 25 U.S.C. 13. This program is described in the Catalog of Federal Domestic Assistance under 93.443.

Background

The mission of the IHS is to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives (AI/AN) to the highest level. The IHS, an agency within the Department of Health and Human Services (HHS), is responsible for providing Federal health services to AI/AN. The provision of health services to

members of Federally-recognized Tribes grew out of the special government-to-government relationship between the Federal Government and Indian Tribes. The IHS is the principal Federal health care provider and health advocate for Indian people and its mission is to raise their health status to the highest possible level. The IHS provides a comprehensive health service delivery system for approximately 1.9 million AI/AN who belong to 566 Federally recognized Tribes in 35 states. The IHS Maternal and Child Health Program evaluates and improves the quality and access to care for AI/AN women and children.

Purpose

The purpose of this IHS cooperative agreement is to work closely with the American Academy of Pediatrics (AAP) and jointly sponsor the 5th International Meeting on Indigenous Child Health which will take place April 19–21, 2013 in Portland, Oregon. This partnership will also include the Canadian Pediatric Society and the First Nations Inuit Health Branch, Health Canada. This meeting will bring together child health providers and researchers dedicated to working with AI/AN, First Nations, Inuit, and Metis children and families. The purpose of the meeting is to better understand the social and health needs of indigenous children internationally and to provide the opportunity for indigenous researchers and health professionals to share their experiences and findings. Best and promising community practices provide opportunities for multi-level engagements. The overall goal is to improve quality, outcomes and access to health care services for indigenous children.

Single Source Justification

The mission of the AAP is to attain optimal physical, mental and social health and well-being for all infants, children, adolescents and young adults. There are no other organizations in the United States (US) that have a mission focused on all aspects of child health, including the health of indigenous children. The AAP Committee on Native American Child Health (CONACH) develops policies and programs that improve the health of Native American children. The CONACH members are committed to increasing awareness of the major health problems facing Native American children. The CONACH also conducts pediatric consultation visits to IHS and Tribal health facilities and works to strengthen ties with Tribes throughout the US. The CONACH has a long history of working with the IHS. The AAP has also developed a Reach Out and Read program that includes a focus on AI/AN children. The AAP and the IHS have sponsored four international conferences on child health over the past nine years. These meetings bring together leading experts on indigenous child health issues and cultural understanding. There are no other conferences focused specifically on indigenous child health that include both the US and Canada at the present time. AI/AN infants, children and youth benefit from this longstanding relationship with AAP. Based on this understanding of each other's mission and the alignment of their work, AAP is uniquely qualified for this partnership. AAP has also created an Indian Health Special Interest Group as a forum for pediatricians and other licensed health care professionals serving AI/AN children to share successes and strategies, sponsor education programs that highlight aspects of providing care to AI/AN children, support the work of the CONACH by disseminating information, and link members to address problems specific to local or regional care of AI/AN children.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for the current fiscal year FY 2013 is approximately $100,000. Individual award amounts are anticipated to be between $95,000 and $100,000. Any award issued under this announcement is subject to the availability of funds. In the absence of funding, the IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

One single source award will be issued under this program announcement.

Project Period

The project period will be for 7 months and will run from February 15, 2013 to September 14, 2013.

Cooperative Agreement

In the HHS, a cooperative agreement is administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for Cooperative Agreement

A. IHS Programmatic Involvement

(1) At least two IHS staff will be part of the planning committee for the 5th International Meeting on Indigenous Child Health and will work closely with the AAP staff on all aspects of the meeting including development of the agenda, keynote speakers, etc.

(2) Participate on all planning conference calls thus ensuring involvement in all aspects of the conference and follow-up work with this partnership.

(3) Identify and work closely with potential presenters. The IHS staff is familiar with AI/AN pediatricians, nurses and others that have clinical and programmatic expertise.

(4) IHS Clinical Support Center (CSC) will assist with continuing education (CE) process for participants. The CSC is accredited as a sponsor of CE by the Accreditation Council for Continuing Medical Education, the American Nurses Credentialing Center Commission on Accreditation and the American Council on Pharmaceutical Education. The purpose of these CE activities is to improve the healthcare for all AI/AN.

(5) Provide meeting information on the IHS Web site as well as links to other collaborations with AAP. The Web site provides a communication tool that is viewed by the Tribes as well as health care professionals.

B. Grantee Cooperative Agreement Award Activities

(1) Overall coordination and management of the meeting.

(2) Host the planning committee and set up conference calls and meetings in preparation of the meeting.

(3) Manage registration and logistics for meeting. The AAP will subcontract with an organization to assist with these tasks.

(4) Award CE credits.

(5) Distribute flyers and brochures to promote the meeting.

(6) Finalize the agenda and all materials.

(7) Provide meeting information on the AAP Web site.

(8) Provide meeting follow-up that impacts the health of AI/AN children. The impact of this meeting will generate opportunities to benefit children and their families and communities.

III. Eligibility Information

1. Eligibility

The AAP is a 501(c)(3) non-profit organization. AAP must provide proof of 501(c)(3) status.

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional poof of applicant status documents required such as proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management of this decision.

Proof of Non-Profit Status

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (i.e. FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *http://www.ihs.gov/NonMedicalPrograms/gogp/index.cfm?module=gogp_funding.*

Questions regarding the electronic application process may be directed to Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:

○ SF–424, Application for Federal Assistance.

○ SF–424A, Budget Information—Non-Construction Programs.

○ SF–424B, Assurances—Non-Construction Programs.

- Budget Justification and Narrative (must be single-spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages).

○ Background information on the organization.

○ Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.

- 501(c)(3) Certificate.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart.
- Documentation of current OMB A–133 required Financial Audit (if applicable).

Acceptable forms of documentation include:

○ Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or

○ Face sheets from audit reports. These can be found on the FAC Web site: *http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database.*

Public Policy Requirements

All Federal-wide public policies apply to IHS grants with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. Project Narrative: This narrative should be a separate Word document that is no longer than ten pages and must: be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they will not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming more familiar with the grantee's activities and accomplishments prior to this grant award. If the narrative exceeds the page limit, only the first ten pages will be reviewed. The 10-page limit for the narrative does not include the work plan, standard forms, table of contents, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (3-Page Limitation)

Section 1: Needs

Describe how the AAP has the organizational commitment and administrative infrastructure to support this international indigenous health meeting. Explain the previous planning activities for this meeting. Describe the relationship with the IHS and the capacity to support this work.

Part B: Program Planning and Evaluation (3-Page Limitation)

Section 1: Program Plans

Describe the conference plans in clear detail including the proposed timelines and activities for this meeting. Describe the anticipated impact of the meeting as it relates to improving the health services for AI/AN children and youth.

Section 2: Program Evaluation

Describe fully and clearly the plans for evaluating the impact of this meeting and anticipated results.

Part C: Program Report (3-Page Limitation)

Section 1: Describe major accomplishments over the last 24 months. Describe major accomplishments over the last 24 months of AAP and its CONACH as it relates to the health of AI/AN children and youth.

Please identify and describe significant program achievements associated with the delivery of quality health services. Provide a comparison of the actual accomplishments to the goals established for the project period.

B. Budget Narrative: This narrative must describe the budget requested and match the scope of work described in the project narrative. The budget narrative should not exceed 5 pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 12:00 a.m., midnight Eastern Standard Time (EST) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding.

The applicant will be notified by the Division of Grants Management (DGM) via email of this decision.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Paul Gettys, DGM (*Paul.Gettys@ihs.gov*) at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically via Grants.gov, prior approval must be requested and obtained (see Section IV.6 below for additional information). The waiver must be documented in writing (emails are acceptable), before submitting a paper application. A copy of the written approval must be submitted along with the hardcopy that is mailed to the DGM. Once the waiver request has been approved, the applicant will receive a confirmation of approval and the mailing address to submit the application. Paper applications that are submitted without a waiver from the Acting Director of DGM will not be reviewed or considered further for funding. The applicant will be notified via email of this decision by the Grants Management Officer of DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EST, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least 10 days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov*. Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- An applicant is strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to 15 working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- An applicant must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the OCPS will notify AAP that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the ''Transparency Act.''

System for Award Management (SAM)

Organizations that were not registered with CCR and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete

and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *http://www.ihs.gov/NonMedicalPrograms/gogp/index.cfm?module=gogp_policy_topics.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 75 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (30 Points)

This section should include an understanding of the need for assistance by IHS in the 5th International Meeting on Indigenous Child Health. Applicant should describe demographic and health status of the AI/AN child health population; geographic and social factors including availability of health providers and access to care; funding streams and available resources and partners that can support AI/AN health care; and organizational structure of the Indian health system.

B. Project Objective(s), Work Plan and Approach (40 Points)

This section should demonstrate the soundness and effectiveness of the AAP's proposal. Describe how the planning will be managed and the specific role of AAP. Describe the AAP's program objectives as they relate to the proposed work plan and IHS program involvement.

C. Program Evaluation (10 Points)

This section should show how the progress on this project will be assessed and how the success of the program will be judged. Specifically, list and describe the outcomes by which program will be evaluated. Identify the individuals responsible for evaluation of the meeting and their qualifications.

D. Organizational Capabilities, Key Personnel and Qualifications (10 Points)

This section outlines the broader capacity of the organization to complete the project outlined in the work plan. It includes the identification of personnel responsible for completing tasks and the chain of responsibility for successful completion of the program outlined in the work plan.

(1) Describe the structure of the organization.

(2) Describe the ability of the organization to manage the proposed project.

(3) List key personnel who will work on the project/meeting. In the appendix, include position descriptions and resumes of key staff and their duties and experience. Describe who will be writing progress reports.

E. Categorical Budget and Budget Justification (10 Points)

This section should provide a clear estimate of the program costs and justification for expenses for the cooperative agreement period. The budget and budget justification should be consistent with the tasks identified in the work plan. If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

2. Review and Selection

The applicant will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. An incomplete application and/or an application that is non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified by DGM, via email, to outline minor missing components (i.e., signature on the SF–424, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, the applicant must address all program requirements and provide all required documentation. If the applicant receives less than a minimum score, it will be considered to be ''Disapproved'' and will be informed via email by the IHS Program Office of their application's deficiencies. A summary statement outlining the strengths and weaknesses of the application will be provided to each disapproved applicant. The summary statement will be sent to the Authorized Organizational Representative (AOR) that is identified on the face page (SF–424) of the application within 30 days of the completion of the Objective Review.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in the grant system, GrantSolutions.gov. Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

An applicant who receives a score less than the recommended funding level for approval (75) and are deemed to be disapproved by the ORC will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the weaknesses and strengths of the submitted application. The IHS program office will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

An approved but unfunded applicant that met the minimum scoring range and was deemed by the ORC to be ''Approved'', but was not funded due to lack of funding, will have their application held by DGM for a period of one year. If additional funding becomes available during the course of FY 2013, the approved application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and Office of Management and Budget (OMB) cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

• 45 CFR part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments. 45 CFR part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, and other Non-profit Organizations.

C. Grants Policy:

• HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

• 2 CFR part 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87).

• 2 CFR part 230 —Cost Principles for Non-Profit Organizations (OMB Circular A–122).

E. Audit Requirements:

• OMB Circular A–133, Audits of States, Local Governments, and Non-profit Organizations.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (National Business Center) *http://www.aqd.nbc.gov/services/ICS.aspx.* For questions regarding the indirect cost policy, please call (301) 443–5204 to request assistance.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) the imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Division of Payment Management, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the applicant's organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: the Progress Reports and Federal Financial Report.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: 1) the project period start date was October 1, 2010 or after and 2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the Grants Management Grants Policy Web site at: *http://www.ihs.gov/NonMedicalPrograms/gogp/index.cfm?module=gogp_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: CAPT Candace Jones, Administrative Officer, Improving Patient Care Program, 5300 Homestead Rd. NE., Albuquerque, NM 87110, Phone: 505–248–4861, Fax: 505–248–4873, Email: *Candace.Jones@ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to: Ms. Cherron Smith, Grants Management Specialist, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: 301–443–5204, Fax: 301–443–9602, Email: *Cherron.Smith@ihs.gtov.*

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: 301–443–2114; or the DGM main line 301–443–5204, Fax: 301–443–9602, Email: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a

smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: January 18, 2013.

Yvette Roubideaux,

Director, Indian Health Service.

[FR Doc. 2013–01876 Filed 1–28–13; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request: National Institutes of Health Information Collection Forms To Support Genomic Data Sharing for Research Purposes

AGENCY: PHS, DHHS, National Institutes of Health (NIH).

ACTION: Request for comments

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 5, 2012 (77 FR 61008), and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. NIH may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: National Institutes of Health Information Collection Forms to Support Genomic Data Sharing for Research Purposes; *Type of Information Collection Request:* New; *Need and Use of Information Collection:* The NIH mission is to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life, and reduce the burdens of illness and disability. The sharing of research data supports this mission and is essential to facilitate the translation of research results into knowledge, products, practices, and procedures that improve human health.

By enabling secondary research questions to be addressed, data sharing maximizes the public benefit achieved through research investments. NIH's *Policy for Sharing of Data Obtained in NIH Supported or Conducted Genome-Wide Association Studies (GWAS)* was established to enable the full value of GWAS data to be realized. GWAS data are maintained in a central data repository, the database of Genotypes and Phenotypes (dbGaP), which is administered by the National Center for Biotechnology Information (NCBI), part of the National Library of Medicine at NIH.

As stipulated in the NIH GWAS Policy, all principal investigators (PIs) who receive NIH funding to conduct genomic research are expected to register studies with genomic data in dbGaP. The nature of the genomic, phenotypic, and other associated data generated through large-scale human genomic studies requires responsible stewardship throughout research and data sharing activities. Since the data being collected and shared are from human research participants, the protection of participant interests is paramount. PIs submitting data to dbGaP must describe any limitations on sharing the data, as defined in the informed consent provided by the participants from whom the data were originally collected. PIs must also provide basic study information such as the type of data that will be submitted to dbGaP and a description of the study.

Researchers interested in using dbGaP data for secondary research must submit a request through dbGaP and be granted permission from the relevant NIH Data Access Committees to access the data. As part of the request process, researchers must provide information such as a description of the proposed research use of the dbGaP datasets, a data security plan, and a Data Use Certification, in which the researcher agrees to the terms and conditions for use of the data. NIH has developed online forms, which will be available through dbGaP, in an effort to reduce the burden for researchers to complete the study registration, data submission, and data access processes.

Frequency of Response: As necessary.

Description of Respondents: PIs and senior officials from their institutions.

Estimate of Burden: The burden associated with this information collection is calculated in two parts: (1) the burden associated with registering genomic studies and submitting data to dbGaP and (2) the burden associated with applying for genomic data in dbGaP. The annual reporting burden for study registration and data submission is as follows: *Estimated Number of Respondents:* 100; *Estimated Number of Responses per Respondent:* 1; and *Estimated Total Annual Burden Hours Requested:* 63. The annual cost to respondents is estimated at $2,506. The annual reporting burden for applying for genomic data in dbGaP is as follows: *Estimated Number of Respondents:* 1, 266; *Estimated Number of Responses per Respondent:* 2; and *Estimated Total Annual Burden Hours Requested:* 1,583. The annual cost to respondents is estimated at $63,452. There are no capital, operating, or maintenance costs to the respondents.

Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hours)	Estimated total annual burden hours
Study Registration and Data Submission:				
PI	50	1	45/60	38
Senior Official	50	1	30/60	25
Total	100			63
Data Access Request:				
PI	633	2	45/60	950
Senior Official	633	2	30/60	633
Total	1,266			1,583

Request For Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instrument, contact: Sarah Carr, Acting Director, Office of Clinical Research and Bioethics Policy, Office of Science Policy, NIH, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892; telephone 301–496–9838; fax 301–496–9839; or email *GWAS@od.nih.gov,* Attention: Ms. Carr.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: January 18, 2013.

Sarah Carr,

Acting Director, Office of Clinical Research and Bioethics Policy, Office of Science Policy, National Institutes of Health.

[FR Doc. 2013–01851 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel Derivatives of Docosahexaenoylethanolamide as Therapeutics for Neuronal Disorders

Description of Technology: This technology provides derivatives of Docosahexaenoylethanolamide (synaptamide or DEA) which have increased potency and hydrolysis resistance as compared to DEA (structures of these derivatives are available upon request), as well as methods of using these derivatives to promote neurogenesis, neurite growth, and/or synaptogenesis. Docosahexaenoic acid (DHA), an n-3 polyunsaturated fatty acid that accumulates in the brain during development, has been shown to play a key role in learning and memory development. Studies have also shown that DEA, a metabolite derived from DHA is very potent in accelerating neuronal growth and development. The inventors have discovered that the novel DEA derivatives they have designed are even more potent than DEA or DHA in accelerating neuronal growth, synaptogenesis and development. The inventors have shown that treatment of progenitor neural cells with some of these novel DEA derivatives leads to an increase in the amount of somatic neurons produced after differentiation. These novel compounds can be developed as therapeutics for conditions such as trauma, stroke, multiple sclerosis, Alzheimer's disease, brain and spinal cord injuries, and peripheral nerve injuries for rehabilitation.

Potential Commercial Applications:

- Agents to promote neurogenesis, neurite growth, and synaptogenesis.
- Therapeutics for neurological conditions, such as traumatic brain injury, spinal cord injury, peripheral nerve injury, stroke, multiple sclerosis, autism, Alzheimer's disease, Huntington's disease, Parkinson's disease, and amyotrophic lateral sclerosis.

Competitive Advantages: These derivatives of DEA provide increased potency and hydrolysis resistance compared to DEA.

Development Stage:

- Prototype.
- Early-stage.
- Pre-clinical.
- In vitro data available.

Inventors: Erika Englund (NCATS), Juan Marugan (NCATS), Samarjit Patnaik (NCATS), Hee-Yong Kim (NIAAA)

Publications:

1. Kim HY, *et al.* N-Docosahexaenoylethanolamide promotes development of hippocampal neurons. Biochem J. 2011 Apr 15;435(2):327–36. [PMID 21281269].

2. Kim HY, *et al.* A synaptogenic amide N-docosahexaenoylethanolamide promotes hippocampal development. Prostaglandins Other Lipid Mediat. 2011 Nov;96(1–4):114–20. [PMID 21810478].

3. Cao D, *et al.* Docosahexaenoic acid promotes hippocampal neuronal development and synaptic function. J Neurochem. 2009 Oct;111(2):510–21. [PMID 19682204].

Intellectual Property: HHS Reference No. E–070–2012/0 — U.S. Provisional Application No. 61/624,741 filed 16 Apr 2012.

Licensing Contact: Suryanarayana (Sury) Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov.*

Collaborative Research Opportunity: The National Center for Advancing Translational Sciences is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Dr. Juan Marugan at *maruganj@mail.nih.gov* or Dr. Krishna Balakrishnan at *balakrik@mail.nih.gov.*

High-Affinity Rabbit Monoclonal Antibodies to Mesothelin for Treatment of Cancer

Description of Technology: Mesothelin is a cell surface protein that is highly expressed in aggressive cancers, such as malignant mesothelioma, ovarian cancer and pancreatic cancer. Because of this selective expression, mesothelin is an

excellent candidate for targeted therapeutics, such as monoclonal antibodies (mAbs) and chimeric molecules. Current anti-mesothelin therapeutic mAb candidates bind to an epitope in Region I of mesothelin. Unfortunately, Region I contains the interaction site MUC16/CA125, a mesothelin-interacting protein that is present in the serum of patients with mesothelin-related cancers. Because the current therapeutic mAb candidates must compete with MUC16/CA125 for binding to mesothelin, they may not reach their full therapeutic potential due to interference.

In order to address this concern, NIH inventors generated several rabbit mAbs that recognize unique epitopes of mesothelin: (1) YP223, which recognizes region II; (2) YYP218, which recognizes region III; and (3) YP3 which recognizes a native conformation epitope of mesothelin. These mAbs bind to mesothelin with sub-nanomolar affinity and are not out-competed for binding by the current anti-mesothelin therapeutic mAb candidates or MUC16/CA125. This strong binding affinity for an alternative binding site on mesothelin suggests that these mAbs are excellent therapeutic candidates.

Potential Commercial Applications:

• Therapeutic use, such as treatment of mesothelin-expressing cancers as a stand-alone mAbs or as a mAb-drug conjugate (*e.g.,* an immunotoxin).

• Diagnosis of mesothelin-expressing cancers.

• Antibody-related research use, including immunoprecipitation, western blot analysis, immunohistochemistry, ELISA, etc.

Competitive Advantages:

• Binding of new epitope on mesothelin may improve therapeutic applications due to non-competition from serum proteins.

• High binding affinity (sub-nanomolar levels) also increases chances of binding and subsequent therapeutic activity.

Development Stage:

• Early-stage.

• In vitro data available.

Inventors: Mitchell Ho *et al.* (NCI).

Publication: Ho M. Advances in liver cancer antibody therapies: A focus on glypican-3 and mesothelin. BioDrugs. 2011 Oct 1;25(5):275–84. doi: 10.2165/11595360–000000000–00000. [PMID 21942912].

Intellectual Property: HHS Reference No. E–198–2012/0—U.S. Provisional Patent Application No. 61/691,719 filed 21 Aug 2012.

Related Technologies:

• HHS Reference No. E–021–1998/0—U.S. Patent 6,809,184 issued 26 Oct 2004.

• HHS Reference No. E–139–1999/0—U.S. Patent 7,081,518 issued 25 Jul 2006.

• HHS Reference No. E–091–2009/0—U.S. Patent Publication US 20120107933.

Licensing Contact: David A. Lambertson, Ph.D.; 301–435–4632; *lambertsond@mail.nih.gov.*

Collaborative Research Opportunity: The NCI Laboratory of Molecular Biology is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize new monoclonal antibodies to unique domains of mesothelin for cancer therapy or diagnostics. For collaboration opportunities, please contact John Hewes, Ph.D. at *hewesj@mail.nih.gov.*

Single Domain Human Monoclonal Antibodies to Mesothelin for Treatment of Cancer

Description of Technology: Mesothelin is a cell surface protein that is highly expressed in aggressive cancers such as malignant mesothelioma, ovarian cancer and pancreatic cancer. This selective expression makes mesothelin an excellent candidate for targeted therapeutics such as monoclonal antibodies (mAbs) and corresponding chimeric molecules. Unfortunately, current anti-mesothelin mAb candidates have drawbacks, such as competition with a serum protein (MUC16/CA125) for binding to mesothelin, the formation of neutralizing antibodies because they are non-human antibodies, and the inability to trigger complement-dependent cytotoxicity (CDC).

In order to address this concern, NIH inventors generated two single domain human mAbs: SD1 and SD2. SD1 recognizes a unique epitope in region III of mesothelin which is not out-competed for binding by MUC16/CA125. SD1 was also capable of triggering CDC, as well as antibody-dependent cellular cytotoxicity (ADCC). Due to its human origin, SD1 is also less likely to elicit the formation of neutralizing antibodies when administered to patients. Each of these characteristics suggests SD1 may be an effective therapeutic agent. Indeed, SD1 was able to inhibit tumor growth in mouse xenograft models, and corresponding immunotoxins were able to inhibit tumor cell growth in vitro, supporting the use of SD1 as a therapeutic mAb.

Potential Commercial Applications:

• Therapeutic use, such as treatment of mesothelin-expressing cancers as a stand-alone mAbs or as a mAb-drug conjugate (*e.g.,* an immunotoxin).

• Diagnosis of mesothelin-expressing cancers.

• Antibody-related research use, including immunoprecipitation, western blot analysis, immunohistochemistry, ELISA, etc.

Competitive Advantages:

• Binding of a new epitope on mesothelin may improve therapeutic applications due to non-competition from serum proteins.

• Human origin may significantly limit the formation of neutralizing antibodies, thereby increasing therapeutic potential of the mAb.

• Ability to trigger both CDC and ADCC may elicit a more complete therapeutic response.

Development Stage:

• Early-stage.

• In vitro data available.

• In vivo data available (animal).

Inventors: Mitchell Ho *et al.* (NCI).

Publication: Ho M. Advances in liver cancer antibody therapies: A focus on glypican-3 and mesothelin. BioDrugs. 2011 Oct 1;25(5):275–84. doi: 10.2165/11595360–000000000–00000. [PMID 21942912]

Intellectual Property: HHS Reference No. E–236–2012/0—U.S. Provisional Patent Application No. 61/706,396 filed 27 Sep 2012

Related Technologies:

• HHS Reference No. E–021–1998/0—U.S. Patent 6,809,184 issued 26 Oct 2004.

• HHS Reference No. E–139–1999/0—U.S. Patent 7,081,518 issued 25 Jul 2006.

• HHS Reference No. E–091–2009/0—U.S. Patent Publication US 20120107933.

Licensing Contact: David A. Lambertson, Ph.D.; 301–435–4632; *lambertsond@mail.nih.gov.*

Collaborative Research Opportunity: The NCI Laboratory of Molecular Biology is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize single-domain human antibodies (SD1 and SD2) to mesothelin for cancer therapy or diagnostics. For collaboration opportunities, please contact John Hewes, Ph.D. at *hewesj@mail.nih.gov.*

Dated: January 23, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013–01789 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Renal Transport Program Projects.

Date: February 25, 2013.

Time: 2:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Stone Repeat.

Date: February 25, 2013.

Time: 6:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, LRP 2013 Applications.

Date: March 15, 2013.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: D. G. Patel, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 23, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01780 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Biological Repositories & Information Coordination Center.

Date: February 20, 2013.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 7188, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Chang Sook Kim, Ph.D. Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892–7924, 301–435–0287, *carolko@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel SBIR Contract Proposal Pediatric Cardiac MRI

Date: February 20, 2013.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 7184, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: YingYing Li-Smerin, Ph.D., MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–435–0277, *lismerin@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Career Development Awards: K01, K02, K08.

Date: February 21–22, 2013.

Time: 8:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Keith A. Mintzer, Ph.D., Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924,301–594–7947, *mintzerk@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 23, 2013

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01777 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 USC, as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Research ''Center of Excellence'' Grant Program (P50).

Date: February 20–21, 2013.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Eliane Lazar-Wesley, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4245, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–451–4530, *el6r@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Core ''Center of Excellence'' Grant Program (P30).

Date: February 21–22, 2013.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Eliane Lazar-Wesley, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4245, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–451–4530, *el6r@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Multisite Trial of HCV Linkages for Methadone Patients.

Date: February 25, 2013.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–402–6626, *gm145a@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Advancing Exceptional Research on HIV/AIDS (R01).

Date: February 26, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Nadine Rogers, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4229, MSC 9550, Bethesda, MD 20892–9550, 301–402–2105, *rogersn2@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; The Interplay of Substance Abuse and HIV–1 Infection on Glial Cell Function (R01/R21).

Date: February 27, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–402–6626, *gm145a@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Cutting Edge Basic Research Awards (CEBRA).

Date: March 1, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Scott A. Chen, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4234, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–443–9511, *chensc@mail.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; R13 Conference Grant Review.

Date: March 4, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Minna Liang, Ph.D., Scientific Review Officer, Grants Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4226, MSC 9550, Bethesda, MD 20892–9550, 301–435–1432, *liangm@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Translational Research on Interventions for Adolescents in the Legal System: Trials (U01).

Date: March 12, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Eliane Lazar-Wesley, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4245, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–451–4530, *el6r@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Cohort Studies of HIV/AIDS and Substance Abuse (U01).

Date: March 14, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Nadine Rogers, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4229, MSC 9550, Bethesda, MD 20892–9550, 301–402–2105, *rogersn2@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; 2013 AIDS Avant Garde DP1 Applications Review (Interviews).

Date: March 20, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Scott A. Chen, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4234, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–443–9511, *chensc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 23, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01781 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK R24 Application.

Date: February 22, 2013.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health,

Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Host Innate Immune Microbial Interactions in Intestinal Inflammation.

Date: February 26, 2013.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Teddy DCC.

Date: February 26, 2013.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: D. G. Patel, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7682, *pateldg@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Microbiome Program Project Application.

Date: March 4, 2013.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Development of Drug Therapies for Diarrhea.

Date: March 6, 2013.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; DDK–D Members Conflict SEP.

Date: March 13, 2013.

Time: 10:10 a.m. to 12:10 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Program Project on IBD.

Date: March 15, 2013.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 23, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01782 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Office of Research Infrastructure Programs Special Emphasis Panel; K01 Applications.

Date: February 21, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Martha F. Matocha, Scientific Review Officer, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1070, Bethesda, MD 20892–4874, 240–271–4890, *matocham@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: January 23, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01784 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel

Mental Health Services Research Conflicts Review.

Date: February 25, 2013.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Marina Broitman, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892–9608, 301–402–8152, *mbroitma@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Cognitive Neuroscience and Schizophrenia Panel.

Date: March 6, 2013.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David M. Armstrong, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608, 301–443–3534, *armstrda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Novel Interventions.

Date: March 19, 2013.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892–9606, 301–443–7861, *dsommers@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: January 23, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01787 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical and Translational Imaging Applications.

Date: February 20, 2013.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Eileen W Bradley, DSC, Chief, SBIB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Therapeutics.

Date: February 25, 2013.

Time: 7:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Careen K Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301)435–3504, *tothct@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Urologic and Genitourinary Physiology and Pathology.

Date: February 25, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 4315 Swenson Street, Las Vegas, NV 89119.

Contact Person: Ryan G Morris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics, and Biosensors.

Date: February 25–26, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Joseph G Rudolph, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–408–9098, *josephru@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Acute Neural Injury and Epilepsy Study Section.

Date: February 25, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Mark Hopkins Hotel, 999 California Street, San Francisco, CA 94108.

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Informatics.

Date: February 25, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Mark Lindner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, 301–435–0913, *mark.lindner@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Therapeutic Approaches to Genetic Diseases Study Section.

Date: February 25, 2013.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Richard A Currie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1219, *currieri@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 23, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01785 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; A Mobile Application to Help Patients Take Their Pill Medications as Prescribed (2233).

Date: February 14–15, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Scott A. Chen, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4234, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–443–9511, *chensc@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Smokescreen: Genetic Screening Tool for Tobacco Dependence and Treatment Approaches Project (7783).

Date: March 6, 2013.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Minna Liang, Ph.D., Scientific Review Officer, Grants Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4226, MSC 9550, Bethesda, MD 20892–9550, 301–435–1432, *liangm@nida.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Toxicological Evaluations of Potential Medications to Treat Drug Addiction (8911).

Date: March 7, 2013.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 23, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01783 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting.

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel 2013–05 NIBIB K&R13 review meeting.

Date: February 27, 2013.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 957, Bethesda, MD 20892, 301–496–4773, *zhour@mail.nih.gov.*

Dated: January 23, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01778 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group, Microbiology and Infectious Diseases B Subcommittee.

Date: February 20–21, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Nancy Lewis Ernst, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–7383, *nancy.ernst@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 23, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01776 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Children's Study Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Registration is required since space is limited and will begin at 8:00 a.m. Please visit the conference Web site for information on meeting logistics and to register for the meeting at *http://www.cvent.com/d/lcq4sc.* Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Children's Study Advisory Committee.

Date: February 26, 2013.

Time: 9:00 a.m. to 4:30 p.m.

Agenda: The Committee will conduct additional discussion on the design of the Main Study and will discuss the draft protocol outline framework.

Place: National Institutes of Health, 5635 Fishers Lane Conference Center, Rockville, MD 20852.

Contact Person: Kate Winseck, MSW, Executive Secretary, National Children's Study, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5C01, Bethesda, MD 20892, (703) 902–1339, *ncs@circlesolutions.com.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. For additional information about the Federal Advisory Committee meeting, please contact Circle Solutions at *ncs@circlesolutions.com.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 23, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01779 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Mentored Career Transition Scientist Award.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 23, 2013

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01775 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group Genomics, Computational Biology and Technology Study Section.

Date: February 20–21, 2013.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barbara J Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2218, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group Vascular Cell and Molecular Biology Study Section.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group Motor Function, Speech and Rehabilitation Study Section.

Date: February 22, 2013.

Time: 8:00 p.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, 301–402–4411, *tianbi@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 23, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01786 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.

Date: January 31, 2013.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alexander D. Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435–1150, *politisa@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 23, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01788 Filed 1–28–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation of R. Markey & Sons, Inc., Markan Laboratories, as a Commercial Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation of R. Markey & Sons, Inc., Markan Laboratories, as a commercial laboratory.

SUMMARY: Notice is hereby given, pursuant to the CBP regulations, that R. Markey & Sons, Inc., Markan Laboratories, has been accredited as a commercial laboratory to analyze sugar, sugar syrups and confectionary products under Chapter 17 of the Harmonized Tariff Schedule of the United States (HTSUS) for customs purposes for the next three years as of June 21, 2012.

DATES: *Effective Dates:* The accreditation of R. Markey & Sons, Inc., Markan Laboratories, as a commercial laboratory became effective on June 21, 2012. The next triennial inspection date will be scheduled for June 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Jonathan McGrath, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to 19 CFR 151.12, R. Markey & Sons, Inc., Markan Laboratories, 5 Hanover Square 12th Floor, New York, NY 10004, has been accredited to analyze sugar, sugar syrups and confectionary products under Chapter 17 of the Harmonized Tariff Schedule of the United States (HTSUS) for customs purposes, in accordance with the provisions of 19 CFR 151.12. Specifically, R. Markey & Sons, Inc. has been granted accreditation to perform the following test methods only: (1) Polarization of Raw Sugar, ICUMSA GS 1/2/3–1; (2) The Determination of the Polarization of Raw Sugar Without Wet Lead Clarification, ICUMSA GS 1/2/3/–2; (3) Sugar Moisture by Loss of Drying, ICUMSA GS 2/1/3–15; (4) Polarization of White Sugar, ICUMSA GS 2/3–1. Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific test this entity is accredited to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://www.cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

Dated: December 21, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–01887 Filed 1–28–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Written comments should be received on or before April 1, 2013, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Accreditation of Commercial Testing Laboratories and Approval of Commercial Gaugers

OMB Number: 1651–0053

Form Number: None

Abstract: Commercial laboratories seeking accreditation or approval must provide the information specified in 19 CFR 151.12 to Customs and Border Protection (CBP), and Commercial Gaugers seeking CBP approval must provide the information specified under 19 CFR 151.13. After the initial accreditation, a private company may ''extend'' its accreditation to add facilities by submitting a formal written request to CBP. This application process is authorized by Section 613 of Public Law 103–182 (NAFTA Implementation Act), codified at 19 U.S.C. 1499, which directs CBP to establish a procedure to accredit privately owned testing laboratories. The information collected is used by CBP in deciding whether to approve individuals or businesses desiring to measure bulk products or to analyze importations. Instructions for completing these applications are accessible at: *http://www.cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/app_info/app_instructions.ctt/app_instructions.pdf.*

Action: CBP proposes to extend the expiration date of this information collection with a change to the burden hours as a result of revised estimates by CBP. There are no changes to the information collected.

Type of Review: Extension (with change).

Affected Public: Businesses.

Reporting:

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Total Responses: 100.

Estimated Time per Response: 75 minutes.

Estimated Total Burden Hours: 125.

Record Keeping:

Estimated Number of Record Keepers: 100.

Estimated Time per Record Keeper: 60 minutes.

Estimated Total Burden Hours: 100.

Dated: January 24, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–01886 Filed 1–28–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Petrospect, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Petrospect, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to the CBP regulations, that Petrospect, Inc., has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of July 24, 2012.

DATES: *Effective Dates:* The approval of Petrospect, Inc., as commercial gauger became effective on July 24, 2012. The next triennial inspection date will be scheduled for July 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Jonathan McGrath, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 19 CFR 151.13, Petrospect, Inc., 499 N. Nimitz Pier 21, Honolulu, HI 96817, has been approved to gauge petroleum, petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquires regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.*

Dated: December 21, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2013–01888 Filed 1–28–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–FLNI–12122; PMPSAS1Z.Y00000]

Notice of Flight 93 Advisory Commission Meetings for Calendar Year 2013

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: This notice sets forth the dates of the February 9; May 4; July 2; and November 2, 2013, meetings of the Flight 93 Advisory Commission.

DATES: The public meeting of the Advisory Commission will be held on Saturday, February 9; May 4; July 2; and November 2, 2013, at 10:00 a.m. (Eastern).

Location: The meeting will be held at the Flight 93 National Memorial Office, 109 West Main Street, Suite 104, Somerset, PA 15501, with the exception of the February 9, 2013, meeting which will be held via teleconference.

Agenda:

The Commission meetings will consist of the following:

1. Opening of Meeting, Review and Approval of Commission Minutes
2. Reports
3. Old Business
4. New Business
5. Public Comments
6. Closing Remarks

FOR FURTHER INFORMATION CONTACT: Further information concerning this meeting may be obtained from Jeff Reinbold, Superintendent, Flight 93 National Memorial, P.O. Box 911, Shanksville, PA 15560, telephone (814) 893–6322.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file

written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 23, 2013.

Alma Ripps,

Acting Chief, Office of Policy.

[FR Doc. 2013–01729 Filed 1–28–13; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collection of information for the Abandoned Mine Land Problem Area Description form. This information collection activity was previously approved by the Office of Management and Budget (OMB), and assigned control number 1029–0087.

DATES: Comments on the proposed information collection must be received by April 1, 2013, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, contact John Trelease, at (202) 208–2783 or by email at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies an information collection that OSM will be submitting to OMB for approval. This collection is contained in the Form OSM–76, Abandoned Mine Land Problem Area Description form. OSM will request a 3-year term of approval for each information collection activity. Responses are required to obtain a benefit.

Comments are invited on: (1) the need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submissions of the information collection requests to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Title: OSM–76—Abandoned Mine Land Problem Area Description Form.

OMB Control Number: 1029–0087.

Summary: This form will be used to update the Office of Surface Mining Reclamation and Enforcement's electronic inventory of abandoned mine lands (e-AMLIS). From this inventory, the most serious problem areas are selected for reclamation through the apportionment of funds to States and Indian tribes.

Bureau Form Number: OSM–76.

Frequency of Collection: On occasion.

Description of Respondents: State governments and Indian tribes.

Total Annual Responses: 2,720.

Total Annual Burden Hours: 7,450.

Dated: January 23, 2013.

Andrew F. DeVito,

Chief, Division of Regulatory Support.

[FR Doc. 2013–01865 Filed 1–28–13; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–796]

Certain Electronic Digital Media Devices and Components Thereof: Commission Determination To Review a Final Initial Determination Finding a Violation of Section 337; Remand-in-Part of the Investigation to the Administrative Law Judge

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in its entirety the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on October 24, 2012, finding a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in this investigation. The Commission has also determined to remand-in-part the investigation to the ALJ.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 5, 2011, based on a complaint filed by Apple Inc. (''Apple'') of Cupertino, California. 76 FR 47610 (Aug. 5, 2011). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic digital media devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,479,949

(''the '949 patent''); RE 41,922 (''the '922 patent''); 7,863,533 (''the '533 patent''); 7,789,697 (''the '697 patent''); 7,912,501 (''the '501 patent''); D558,757 (''the D'757 patent''); and D618,678 (''the D'678 patent'') (collectively, ''the Asserted Patents''). The complaint further alleges the existence of a domestic industry. The respondents named in the Commission's notice of investigation are Samsung Electronics Co, Ltd. of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Samsung Telecommunications America, LLC of Richardson, Texas (collectively, ''Samsung''). A Commission investigative attorney (''IA'') participated in the investigation.

On May 3, 2012, the ALJ issued an ID partially terminating the investigation with respect to all claims of the '533 patent; claims 1–3, 11, 12, 15, 16 and 21–27 of the '697 patent; and claim 3 of the '949 patent (Order No. 17) (not reviewed by the Commission, May 3, 2012).

On October 24, 2012, the ALJ issued his final ID in this investigation finding a violation of section 337 in connection with the claim of the D'678 patent; claims 1, 4–6 and 10–20 of the '949 patent; claims 29, 30 and 33–35 of the '922 patent; and claims 1–4 and 8 of the '501 patent. The ALJ found no violation of section 337 in connection with the claim of the D'757 patent; claims 31 and 32 of the '922 patent; and claims 13 and 14 of the '697 patent. The ALJ also found that the asserted claims of the Asserted Patents were not shown to be invalid. The ALJ further found that a domestic industry in the United States exists that practices the Asserted Patents, except for the '697 patent. On November 7, 2012, the ALJ issued his recommended determination on remedy and bonding.

Apple and Samsung filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions. The IA filed only a response to the petitions for review. On December 3, 2012, Apple and Samsung filed public interest comments pursuant to Commission rule 210.50(a)(4). That same day, non-party Google filed submissions in response to the Notice of Request for Statements on the Public Interest. See 77 FR 68829–30 (Nov. 16, 2012).

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in its entirety. The Commission does not seek further briefing at this time. Rather, the Commission remands the investigation to the ALJ with respect to certain issues related to the '922 patent and the '501 patent, as set forth in the accompanying Remand Order.

In light of the remand, the ALJ shall set a new target date within thirty days of this notice consistent with the Remand Order. The current target date for this investigation is March 27, 2013.

Briefing, if any, on remanded and reviewed issues, and on remedy, bonding, and the public interest will follow Commission consideration of the remand ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46).

By order of the Commission.

Issued: January 23, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–01771 Filed 1–28–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On January 22, 2013, the Department of Justice lodged a proposed Consent Decree in the United States District Court for the Southern District of Texas in the lawsuit entitled, *United States and State of Texas* v. *GB Biosciences Corp., et al.,* Civil Action No. 4:13–CV–00151.

In this action the United States, on behalf of the National Oceanic and Atmospheric Administration (''NOAA'') and the U.S. Department of Interior (''DOI''), as federal trustees, together with the State of Texas, seeks natural resource damages pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), in connection with the Greens Bayou Site located in Houston, Texas (the ''Site'').

The United States and the State have negotiated a consent decree with GB Biosciences Corp., ISK Magnetics, Inc., and Occidental Chemical Corp. (collectively ''Settlors'') to resolve the CERCLA claims, as well as the state law claims. Under the Consent Decree, the Settlors agree to reimburse the United States and the State for natural resource damage assessment costs ($31,060.00 to the federal trustees), to complete two restoration projects selected by the trustees valued at approximately $800,000.00, and to reimburse the trustees for any further monitoring or corrective action obligations after completion of construction of the restoration project. The Settlement includes a covenant not to sue under Section 107(a) of CERCLA.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Texas* v. *GB Biosciences Corp., et al.,* D.J. Ref. No. 90–5–1–1–09071. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $54.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits, the cost is $17.50.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–01761 Filed 1–28–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Mylan Technologies, Inc.

Pursuant to Title 21 Code of Federal Regulations 1301.34 (a), this is notice that on December 7, 2012, Mylan

Technologies, Inc., 110 Lake Street, Saint Albans, Vermont 05478, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Methylphenidate (1724)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances in finished dosage form (FDF) from foreign sources for analytical testing and clinical trials in which the foreign FDF will be compared to the company's own domestically-manufactured FDF. This analysis is required to allow the company to export domestically-manufactured FDF to foreign markets.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedule II, which falls under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than February 28, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR § 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substances in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: January 15, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–01835 Filed 1–28–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Alkermes Gainesville, LLC

Pursuant to Title 21 Code of Federal Regulations 1301.34(a), this is notice that on October 11, 2012, Alkermes Gainesville, LLC., 1300 Gould Drive, Gainesville, Georgia 30504, made application to the Drug Enforcement Administration (DEA) for registration as an importer of noroxymorphone (9668), a basic class of controlled substance listed in schedule II.

The company plans to import the listed substance for analytical research and testing.

The import of the above listed basic class of controlled substance will be granted only for analytical testing and clinical trials. This authorization does not extend to the import of a finished FDA approved or non-approved dosage form for commercial distribution in the United States.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedules I or II, which fall under the authority of section 1002(a)(2)(B) of the Act 21 U.S.C. 952 (a)(2)(B) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than February 28, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: January 16, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–01837 Filed 1–28–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Petition Requirements and Investigative Data Collection: Trade Act of 1974, as Amended

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Petition Requirements and Investigative Data Collection: Trade Act of 1974, as Amended,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before February 28, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: Section 221 (a) of Title II, Chapter 2 of the Trade Act of 1974, as amended by the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271), authorizes the Secretary of Labor and the Governor of each State to accept petitions for certification of eligibility to apply for adjustment assistance. Versions of Form ETA–9042, Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance, establish a format that may be used for filing such petitions. DOL regulations regarding petitions for worker adjustment assistance may be found at 29 CFR part 90. Forms ETA–8562a, ETA–8562 a–1, ETA–8562 b, ETA–9118, ETA–9043a, and ETA–9043b are all undertaken in accordance with sections 222, 223, and 249 of the Trade Act of 1974, as amended by the Trade and Globalization Adjustment Assistance Act of 2009. The Secretary uses this information to certify whether groups of workers are eligible to apply for worker trade adjustment assistance. Revisions contained in this ICR will: (1) Align petitions (Form ETA–9042) with the American Job Center network branding initiative, (2) include additional citations to the appropriate regulations and guidance in the investigative data collection processing instructions page, and (3) provide clarifying language within the investigative data collection requirements.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0342. The current approval is scheduled to expire on January 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on September 6, 2012 (77 FR 54929).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0342. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Petition Requirements and Investigative Data Collection: Trade Act of 1974, as Amended.

OMB Control Number: 1205–0342.

Affected Public: Individuals or Households; State, Local, and Tribal Governments; and Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 8,675.

Total Estimated Number of Responses: 8,675.

Total Estimated Annual Burden Hours: 17,883.

Total Estimated Annual Other Costs Burden: $0.

Dated: January 22, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–01739 Filed 1–28–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Fire Protection in Underground Coal Mines

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) revision titled, ''Fire Protection in Underground Coal Mines,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before February 28, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain*, on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: Regulations 30 CFR 75.1502 requires an underground coal mine operator to submit for MSHA approval a plan for the instruction of miners in firefighting and evacuation procedures to be followed in the event of an emergency. In addition, various sections of part 75 require fire drills to be conducted quarterly, equipment to be tested, and a record to be kept of the drills and testing results.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is

generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0054. The current approval is scheduled to expire on January 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

This ICR has been classified as a revision for technical reasons. This ICR would move burden associated with information collection requirements contained in regulations 30 CFR 75–1103–5(a)(2)(ii) and 75.1103–8(b) and (c) from Control Number 1219–0145 to 1219–0054; however, the actual requirements will remain unchanged. The DOL intends to submit a corresponding non-material change under Control Number 1219–0145 to the OMB after receiving a Notice of Action approving Control Number 1219–0054 with the new burden. For additional information, see the related notice published in the **Federal Register** on September 19, 2012 (77 FR 58170).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0054. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Fire Protection in Underground Coal Mines.

OMB Control Number: 1219–0054.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 549.

Total Estimated Number of Responses: 294,618.

Total Estimated Annual Burden Hours: 54,809.

Total Estimated Annual Other Costs Burden: $693.

Dated: January 23, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–01738 Filed 1–28–13; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Unemployment Compensation for Ex-Servicemembers

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Unemployment Compensation for Ex-Servicemembers,'' to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before February 28, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The Unemployment Compensation for Ex-Servicemembers Act (UCXA), 5 U.S.C. 8521 et seq., provides unemployment insurance protection to former members of the Armed Forces. The UCXA requires a State Workforce Agency (SWA) to administer the Unemployment Compensation for Ex-Servicemembers (UCX) Program in accordance with the same terms and conditions of State unemployment insurance law that apply to unemployed claimants who have worked in the private sector. Each SWA must obtain certain military service information about a claimant filing for UCX benefits in order to make a benefit-eligibility determination. A SWA may record or obtain required UCX information on Form ETA–843, Request for Military Document and Information. Use of this form may be essential to the UCX claims process. Optional-use Form ETA–841, Request for Determination of Federal Military Service and Wages, is also part of this information collection. Information pertaining to the UCX claimant can only be obtained from the individual's military discharge papers, the appropriate branch of military service, or the Department of Veterans' Affairs. Without a claimant's military information, a SWA cannot adequately determine the eligibility of ex-servicemembers and would not be properly able to administer the program.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0176. The current approval is scheduled to expire on January 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

For additional information, see the related notice published in the **Federal Register** on September 18, 2012 (77 FR 57595).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0176. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Unemployment Compensation for Ex-Servicemembers.

OMB Control Number: 1205–0176.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 6,172.

Total Estimated Annual Burden Hours: 103.

Total Estimated Annual Other Costs Burden: $0.

Dated: January 23, 2013.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2013–01850 Filed 1–28–13; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

RIN 1210–ZA15

Delinquent Filer Voluntary Compliance Program

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice, Changes to the Delinquent Filer Voluntary Compliance Program.

SUMMARY: This Notice describes changes to the Department of Labor's (Department) Delinquent Filer Voluntary Compliance Program (DFVC Program or Program). Administrators of employee benefit plans subject to Title I of the Employee Retirement Income Security Act of 1974 (ERISA) who fail to file annual reports on a timely basis can be subject to civil penalties under section 502(c)(2) of ERISA. The DFVC Program is intended to encourage delinquent plan administrators to comply with their annual reporting obligations under ERISA through the assessment of reduced civil penalties. The DFVC Program was initially adopted in 1995 and was last updated in a published **Federal Register** Notice on March 28, 2002 (2002 Notice). The Department's DFVC Program Web site has been updated periodically since 2002 to reflect the adoption of technical changes to the Program. Most recently, the DFVC Program Web site was updated to reflect the Department's final regulation mandating electronic filing of annual reports as part of the implementation of a wholly electronic ERISA Filing Acceptance System (EFAST2) for those reports. (See *www.dol.gov/ebsa.*) This Notice also describes an existing online penalty calculator and Internet-based payment system for the DFVC Program. (See *http://www.dol.gov/ebsa/calculator/dfvcpmain.html*). This Notice is intended to be a comprehensive update and restatement of the DFVC Program that incorporates the changes that have been made in the DFVC Program since the 2002 Notice.

DATES: The DFVC Program described herein is effective immediately on publication, and it supersedes and replaces the DFVC Program Notice published in the **Federal Register** on March 28, 2002 (67 FR 15062).

FOR FURTHER INFORMATION CONTACT: For questions regarding the DFVC Program, including making an application, contact Jennifer C. Warner or Scott C. Albert, Office of the Chief Accountant, EBSA, (202) 693–8360. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

A. Background

The Secretary of Labor has the authority under section 502(c)(2) of ERISA to assess civil penalties of up to $1,100 [1] a day against plan administrators who fail or refuse to file complete and timely annual reports as required under section 101(b) of ERISA and the Secretary's regulations. Pursuant to 29 CFR 2560.502c–2 and 29 CFR 2570.60 *et seq.*, EBSA maintains an enforcement program for the assessment of civil penalties under section 502(c)(2) of ERISA for noncompliance with ERISA's annual reporting requirements. Under this enforcement program, plan administrators who fail to file an annual report may be assessed a penalty of $300 per day, up to $30,000 per year, until a complete annual report is filed. Plan administrators who file but file late annual reports may be assessed $50 per day for each day an annual report is filed after the date on which the annual report was required to be filed, without regard to any extensions of time for filing. The Department may, in its discretion, waive all or part of a civil penalty assessed under section 502(c)(2) of ERISA upon a showing by the administrator that there was reasonable cause for the failure to file a complete and timely annual report or that there was reasonable cause why the penalty, as calculated, should not be assessed.

In an effort to encourage plan administrators to voluntarily comply with the annual reporting requirements under Title I of ERISA, the Department adopted the DFVC Program. The DFVC Program was initially adopted on April 27, 1995 (60 FR 20874), and amended by Notice published on March 28, 2002 (67 FR 15052). The Program permits administrators otherwise subject to the assessment of higher civil penalties for failing to file a timely annual report to pay reduced civil penalties for voluntarily complying with the requirement to file an annual report under Title I of ERISA. Eligible plan administrators have been able to avail themselves of the DFVC Program by filing their delinquent Form 5500, ''Annual Return/Report of Employee Benefit Plan,'' together with all required schedules and attachments (Form 5500) in accordance with applicable filing

[1] In accordance with the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the Department's regulation at 29 CFR 2575.502c–2 increased the maximum civil penalty from $1,000 a day as stated in section 502(c)(2) of ERISA to $1,100 a day for violations occurring after July 29, 1997.

requirements, complying with the other procedures outlined in the DFVC Program, and paying a reduced penalty.

B. Overview of Changes to the DFVC Program

This Notice is intended to be a comprehensive update of the 2002 Notice that incorporates intervening changes that have been made in the DFVC Program. A discussion of the changes follows.

The DFVC Program was initially adopted in 1995, and was last updated and restated in a published **Federal Register** Notice on March 28, 2002 (2002 Notice). The Department's DFVC Program Web site has been updated periodically since then to reflect the adoption of certain technical changes to the Program. For example, most recently, the DFVC Program Web site was updated to reflect the Department's final regulation mandating electronic filing of annual reports as part of the move to a wholly electronic ERISA Filing Acceptance System (EFAST2) for such reports. (See *www.dol.gov/ebsa*.) Also, an electronic online payment option was added to the DFVC Program Web site that uses an online calculator to help filers accurately calculate the applicable penalty payment. (See *www.dol.gov/ebsa/calculator/dfvcpmain.html*). The electronic payment process is a more efficient process that minimizes the possibility of filer error, but a paper-based penalty payment system is also available under the DFVC Program. Under the paper-based payment system, when filers make a payment by check, they mail the check to a separate DFVC Program address that is provided on the Department's Web site and must include a paper copy of the Form 5500 that had been electronically filed with EFAST2. Although a complete Form 5500 with schedules and attachments must be electronically filed with EFAST2, only the Form 5500 without the schedules and attachments must be sent to the DFVC Program address with the penalty payment. This additional step of mailing a paper copy of the Form 5500 to a DFVC Program address is eliminated for filers who use the online payment system, thus reducing the burden for those who choose the online payment system.

1. Filing Requirements Under EFAST2 for the DFVC Program

Prior to the Department's migration to the wholly electronic EFAST2 system for filing and processing Form 5500 annual reports, the DFVC Program permitted delinquent filers to choose to complete and file either the current year version of the Form 5500 or the correct prior year forms for the plan year for which the delinquent annual return/report was being filed. Thus, for example, if making a late filing in 2008 for a 2006 plan year, a filer could have used either the 2008 plan year forms that were being processed under the original EFAST system (EFAST) (but entering the correct 2006 plan year dates on the space provided at the beginning of the Form 5500) or the 2006 plan year forms. An electronic filing requirement was adopted as part of the Department's migration from the EFAST paper-based filing and processing system to the EFAST2 wholly electronic filing and processing system (EFAST2).[2] The migration to EFAST2 is now completely implemented for all filing years, and paper filings of any kind (e.g., mail, fax) are no longer accepted for either timely or delinquent filings.

As a complement to the establishment of the new EFAST2 wholly electronic filing and processing system, the Department, along with the Internal Revenue Service (IRS) and the Pension Benefit Guaranty Corporation (PBGC), published a final notice of adoption of revisions to annual return/report forms (Forms Revisions) at 72 FR 64731 (Nov. 16, 2007). The Forms Revisions was intended to facilitate the move to the wholly electronic filing system under EFAST2, streamline the annual reporting process, update the annual reporting forms to reflect current issues and priorities, and incorporate new reporting requirements under the Pension Protection Act of 2006 (PPA). Among other changes, the Forms Revisions provided that certain schedules (Schedule SSA (Form 5500) ''Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits'' and Schedule E (Form 5500) ''ESOP Annual Information'') were being removed from the Form 5500 series beginning with filings for the 2009 plan year.[3] The Forms Revisions also expanded information collection on service provider fees for large plans on the Schedule C (Form 5500) ''Service Provider Information,'' particularly with respect to indirect compensation. Further, for 2008 and later plan years, to comply with new reporting requirements under the PPA, the Forms Revisions replaced the Schedule B (Form 5500) ''Actuarial Information,'' with two actuarial schedules: Schedule MB (Form 5500) ''Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information'' and Schedule SB (Form 5500) ''Single-Employer Defined Benefit Plan Actuarial Information.'' The Schedule R (Form 5500) ''Retirement Plan Information'' was also expanded for plan years 2008 and later to comply with other PPA reporting requirements, particularly for multiemployer plans, and to improve reporting on pension funding information, especially for very large pension plans. The Forms Revisions also eliminated the limited reporting exception for Internal Revenue Code (Code) section 403(b) plans starting with the 2009 plan year.

To reflect the move to the EFAST2 wholly electronic processing system and the Forms Revisions, the Department previously announced, via the DFVC Program and EFAST2 Web sites, that filers must use the most current year EFAST2 form and schedules available for filing in EFAST2 (entering the correct plan year dates on the space provided at the beginning of the Form 5500), except they must instead attach as a pdf image file the correct year Schedules B, SB, MB, E, P, R, and T, as applicable, for delinquent filings for 2008 and earlier plan years (i.e., plan years that commenced prior to January 1, 2009). Such delinquent filers required to file pension funding, retirement plan, and other information on those schedules would thus file information in accordance with the rules that applied to the delinquent plan year in question.[4] Where a filing delinquency is for a 2009 or later plan year, the delinquent filer generally must use the correct plan year form and schedules unless the filing is for a plan year that is more than three years prior to the most recent plan year forms available for filing in EFAST2. In such cases, delinquent filers must use the most current versions of Form 5500/5500–SF available for filing in EFAST2 and the most current version of any required schedules, except pension plan delinquent filers required to file a Schedule SB or Schedule MB must attach as pdf images completed correct

[2] The Department published in the **Federal Register** on July 21, 2006 (71 FR 41359), a final rule that established an electronic filing requirement for the Form 5500 and the new Form 5500–SF, ''Short Form Annual Return/Report of Small Employee Benefit Plan'' filed under part 1 of Title I of ERISA for any plan year beginning on or after January 1, 2008. The electronic filing requirement was delayed for filings for plan years beginning on or after January 1, 2009. 72 FR 64710 (Nov. 16, 2007).

[3] Other IRS schedules, including Schedule P (Form 5500), ''Annual Return of Fiduciary of Employee Benefit Trust,'' and Schedule T (Form 5500), ''Qualified Pension Plan Coverage Information,'' were eliminated for years prior to the years covered by the Forms Revision.

[4] Copies of prior year schedules are available on the Department's and/or IRS's Web sites for filers to print out and complete, and then create pdf files to attach to their EFAST2 electronic filing.

year schedules so that they file actuarial information regarding the plan in accordance with the rules that applied to the delinquent plan year in question. Further, recognizing that the 2009 plan year changes for the Schedule C impose new and substantially expanded annual reporting requirements for service provider fees, and in particular indirect compensation received by service providers from sources other than the plan or plan sponsor, filers have the option of attaching a pdf image file of the correct year Schedule C when filing delinquent annual returns/reports for plan years prior to the 2009 plan year. Also, in light of the elimination of the limited reporting exception for Internal Revenue Code (Code) section 403(b) plans starting with the 2009 plan year, for 2008 and prior plan year filings, Code section 403(b) plans subject to Title I of ERISA continue to be able to avail themselves of the limited pension plan reporting option for delinquent filings for those years by answering only certain questions on the most current year EFAST2 form that mirrors the reporting requirements that applied under the limited pension plan reporting option for 2008 and prior plan years.

The Department added to its Web site an online tool to help filers determine which versions of Forms 5500/5500–SF and schedules to use when filing delinquent annual reports or amending prior year annual reports under EFAST2. Filers enter the beginning date of the plan year for which the late filings are made and the tool identifies the correct versions of the Forms 5500/5500–SF to use. The Department also does not expect the process of determining the proper forms to file will be difficult for most filers. Although EFAST2 at its start up on January 1, 2010, was capable of processing 2009 and 2010 plan year forms, that capability will expand and EFAST2 ultimately will process forms for the most current year available for filing and the three prior plan year forms. Because the majority of delinquent filings submitted under the DFVC Program historically have been no more than three years late, the Department expects that most delinquent filers will be able to use the correct year Form 5500/5500–SF and schedules when correcting their delinquency under EFAST2.

The Department also wants to emphasize that filers cannot submit the Schedule SSA (Form 5500) ''Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits'' or IRS Form 8955–SSA (in pdf format or otherwise) to EFAST2 or under the DFVC Program. Required information on deferred vested participants, even for 2008 and prior plan years, must be filed directly with the IRS and is outside the purview of the DFVC Program. More information regarding Form 8955–SSA and filing delinquent information on separated participants with deferred vested benefits is available from the IRS. (See the IRS Web site at *www.irs.gov/ep.*) [5]

2. Technical Updates

The Department believes that the most expeditious way to keep filers informed of the most current information for participating in the DFVC Program and making civil penalty payments is to post new information about the DFVC Program on its Web site (*www.dol.gov/ebsa*). Thus, rather than periodically amending the DFVC Program with further **Federal Register** notices for non-substantive, technical changes, such as eliminating references to obsolete addresses for mailing penalty payments, this Notice includes several technical revisions to the DFVC Program so that it is better integrated with the DFVC Program Web site that is used for announcing non-substantive, technical adjustments to the Program. DFVC Program information will also continue to be available by telephoning the EFAST2 Help Line at 1–866–463–3278 (toll free), or by contacting the Department's Office of Chief Accountant, Division of Reporting and Compliance, DFVC Program Coordinator, at 202–693–8360. (This is not a toll-free number).

3. Relief From IRS and PBGC Penalties for Late Filing of an Annual Return/Report

Although the DFVC Program does not provide relief from late filing penalties under the Code or Title IV of ERISA, PBGC agreed to provide certain penalty relief under ERISA section 4071 of Title IV of ERISA for delinquent filings of the annual reports by Title I plans when the conditions of the DFVC Program were satisfied. See Section 5.03 of this Notice. Also, the IRS expects to issue separate guidance to provide certain penalty relief under the Code for delinquent Form 5500 and Form 5500–SF Annual Returns/Reports filed for Title I plans where the conditions of this DFVC Program and any requirements imposed by the IRS under such separate guidance have been satisfied. See Section 5.02 of this Notice.

As has always been the case under the DFVC Program, plans required to file the Form 5500 series under the Code that are not subject to Title I of ERISA are not eligible to participate in the DFVC Program described in this Notice.

Executive Order 12866

Under Executive Order 12866, the Department must determine whether a regulatory action is ''significant'' and therefore subject to the requirements of the Executive Order and subject to review by the Office of Management and Budget (OMB). Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. Pursuant to the terms of the Executive Order, OMB has determined that this action is not significant under section 3(f)(4) of the Executive Order. Accordingly, OMB has not reviewed this action.

Paperwork Reduction Act

The Department, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. Chapter 35). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

The DFVC Program is designed to encourage plan administrators to file delinquent Form 5500s through the

[5] In IRS Announcement 2011–21, 2011–12 IRB 567, the IRS designated Form 8955–SSA ''Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits,'' as the form to be used to satisfy the reporting requirements of § 6057(a) of the Internal Revenue Code for plan years beginning on or after January 1, 2009, and sets forth the due dates for filing the Form 8955–SSA for the 2009 plan year and subsequent plan years.

assessment of reduced civil penalties. The DFVC Program was adopted by the Department in 1995, amended in 2002, and approved under OMB Control #1210–0089, which currently is scheduled to expire on May 31, 2014. This notice does not implement a substantive or material change to the information collection request (ICR); therefore, the Department has not requested OMB review at this time.

Regulatory Flexibility Act

This document constitutes an enforcement policy of the Department and is not being issued as a general notice of proposed rulemaking. Therefore, the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., does not apply.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as well as Executive Order 12875, this regulatory action does not include any Federal mandate that may result in expenditures by State, local, or tribal governments, and will not impose an annual burden of $100 million or more on the private sector.

Federalism Statement

Executive Order 13132 outlines fundamental principles of federalism and requires the adherence to specific criteria by Federal agencies in the process of their formulation and implementation of policies that have substantial direct effects on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. This action does not have federalism implications because it has no substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Section 514 of ERISA provides, with certain exceptions specifically enumerated, that the provisions of Titles I and IV of ERISA supersede any and all laws of the States as they relate to any employee benefit plan covered under ERISA. The requirements implemented in this enforcement policy do not alter the fundamental reporting requirements or penalty provisions of Title I of the statute with respect to employee benefit plans, and as such have no implications for the States or the relationship or distribution of power between the national government and the States.

Congressional Review Act

The DFVC Program is subject to the provisions of the Congressional Review Act (5 U.S.C. 801 et seq.) and will be transmitted to Congress and the Controller General for review. The Program is not a ''major rule'' as that term is defined in 5 U.S.C. 804 because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

Section 1—Delinquent Filer Voluntary Compliance (DFVC) Program

The DFVC Program is intended to afford eligible plan administrators (described in Section 2 of this Notice) the opportunity to avoid the assessment of civil penalties under section 502(c)(2) of the Employee Retirement Income Security Act (ERISA) otherwise applicable to administrators who fail to file timely annual reports for plan years beginning on or after January 1, 1988. Eligible administrators may avail themselves of the DFVC Program by complying with the filing requirements and paying the civil penalties specified in Section 3 or Section 4, as appropriate, of this Notice.

Section 2—Scope, Eligibility and Effective Date

.01 *Scope.* The DFVC Program described in this Notice provides relief from assessment of civil penalties under section 502(c)(2) of ERISA applicable to plan administrators who fail or refuse to file timely annual reports. Relief under this Program does not extend to penalties that may be assessed for annual reports that are determined by the Department of Labor (Department) to be incomplete or otherwise deficient.

.02 *Eligibility.* The DFVC Program is available only to a plan administrator that complies with the requirements of Section 3 or Section 4, as appropriate, of this Notice prior to the date on which the administrator is notified in writing by the Department of a failure to file a timely annual report under Title I of ERISA.

.03 *Effective Date.* The DFVC Program described herein shall be effective January 29, 2013. The Department intends this DFVC Program to be of indefinite duration; however, it may be modified from time to time or terminated in the sole discretion of the Department. The DFVC Program requirements and procedures, as updated from time to time, will be available through the Department's Web site at *www.dol.gov/ebsa* and through the Department's public disclosure room.

Section 3—Plan Administrators Filing Annual Reports

.01 *General.* A plan administrator electing to file a late annual report under this DFVC Program must comply with the requirements of this Section 3.

.02 *Filing a Complete Annual Report.*

(a) *Requirement To File The Delinquent Annual Return/Report.* The plan administrator must file in accordance with this section a complete Form 5500 Series annual return/report, including any required schedules and attachments, for each plan year for which the plan administrator is seeking relief under this DFVC Program.

(b) *Requirement To File Electronically With EFAST2.* The annual return/report must be filed electronically in accordance with the EFAST2 electronic filing requirements. EFAST2 is an all-electronic system designed to simplify and expedite the submission, receipt, and processing of the Form 5500 and Form 5500–SF. Under EFAST2, filers choose between using EFAST2-approved third party vendor software to prepare and submit the Form 5500 or Form 5500–SF or a free internet-based filing tool (IFILE) designed for individual filers and service providers who choose to not use EFAST2-approved third party software. Completed forms are submitted via the Internet to EFAST2. See the EFAST2 Internet site at *www.efast.dol.gov* for information on electronic filing requirements and to view forms and instructions.

(c) *Requirements Relating to the Plan Year Forms and Schedules That Must Be Used in the Delinquent Filing.* Plan administrators must use the plan year forms and schedules for the delinquent annual return/report filing as described in this paragraph (c). The Form 5500 Version Selection Tool, available at *www.dol.gov/ebsa/5500selectorinstructions.html,* incorporates the requirements in this paragraph (c) and may be used by plan administrators to determine which plan year version of the Form 5500 and which schedules must be used for each delinquent annual return/report.

(1) *General Rule.* Except as provided in subparagraphs (2) and (3) of this section 3.02(c), filers must use the Form

5500 or Form 5500–SF, including required schedules and attachments, for the plan year for which the delinquent annual return/report is being filed.

(2) *Delinquent Filings for Plan Years Commencing Before January 1, 2009.* Except as provided in subparagraphs (A), (B), and (C) of this section 3.02(c)(2), for plan years commencing before January 1, 2009 (i.e., 2008 and earlier plan years), filers must use the latest plan year Form 5500 and schedules available and must indicate, in the appropriate space at the beginning of the Form 5500, the plan year for which the delinquent annual return/report is being filed.

(A) Filers required to file a Schedule B, Schedule E, Schedule SB, Schedule MB, Schedule P, Schedule R, or Schedule T for the plan year for which the delinquent filing is being made must attach to the Form 5500 an exact image in pdf format of the correct year schedule, and any required attachments, completed with blue or black ink in accordance with the applicable instructions for the schedule. See the EFAST2 Internet site at *www.efast.dol.gov* for instructions on attaching pdf files to electronic filings.

(B) Filers required to file Schedule C for the plan year for which the delinquent filing is being made have the option of attaching an exact image in pdf format of the correct year Schedule C, as applicable, completed with blue or black ink in accordance with the correct year instructions, instead of filing the latest plan year Schedule C available. See the EFAST2 Internet site at *www.efast.dol.gov* for instructions on attaching pdf files to electronic filings.

(C) Filers filing for Code section 403(b) plans for plan years commencing before January 1, 2009, must use the latest plan year Form 5500 available, but must complete only Part I and Part II, lines 1–4, and line 8 of the Form 5500.

CAUTION: The Form 5500–SF cannot be used to file a delinquent annual return/report for any plan years commencing before January 1, 2009 (i.e., 2008 or earlier plan years).

(3) *Delinquent Filings For Plan Years Beginning On Or After January 1, 2009, That Are More Than Three Plan Years Late.* In the case of a delinquent filing for a plan year beginning on or after January 1, 2009, that is for a plan year more than three plan years earlier than the latest plan year for which the Form 5500 and Form 5500–SF are available for filing, filers must use the latest available plan year Form 5500 or, if eligible, Form 5500–SF, and schedules, completed in accordance with the applicable instructions. In the case of plans required to file a Schedule SB or Schedule MB for the delinquent plan year, filers must attach as a pdf image a correct year Schedule SB or MB, including required attachments, for the plan year for which the delinquent filing is being made, completed with blue or black ink in accordance with the instructions for those schedules. *Example:* In February 2014, a plan administrator for a single employer defined benefit pension plan discovers that the plan did not file its 2009 Form 5500. The 2013 Form 5500 and schedules were made available for filing through EFAST2 on January 1, 2014. Because the 2009 plan year is more than three years earlier than the latest available plan year Form 5500 available for filing (2013), the plan administrator must use the current year (2013) Form 5500 and applicable schedules, except that the plan administrator would attach as a pdf image a correct year Schedule SB, including required attachments.

CAUTION: If Form 8955–SSA or Schedule SSA was required to be filed, for purposes of reporting information required by section 6057(a) of the Code, for the plan year for which a delinquent filing is being made, the filer must not under any circumstances submit the form or schedule to EFAST2 with the delinquent annual return/report. Instead, a Form 8955–SSA (and not a Schedule SSA) must be submitted directly to the IRS in accordance with applicable IRS guidance. See *www.irs.gov/ep.*

Note: For informational copies of the Forms, visit *www.dol.gov/ebsa/5500main.html* and *www.irs.gov/ep.* To file, go to *www.efast.dol.gov.* For more information on filing electronically, see the EFAST2 Internet site at *www.efast.dol.gov.*

.03 *Payment of Applicable Penalty Amount.*

(a) The plan administrator shall pay the applicable penalty amount by submitting electronic payment in accordance with the online penalty calculator and the web payment system on the Department's Web site at *www.askebsa.dol.gov/dfvcpay/calculator.* Plan administrators may also send the penalty payment by check by mail to the address specified on the Department's Web site, along with a paper copy of the electronically submitted Form 5500 or Form 5500–SF (without schedules or attachments). Annual returns/reports for multiple plans may not be included in a single DFVC Program submission. A separate submission to the DFVC Program (including a separate electronic payment for the applicable penalty amount) must be made for each plan. Online penalty payments cannot be supplemented later to add additional filings. Additional delinquent annual return/report filings will require a new online submission and a new applicable penalty calculation.

(b) The applicable penalty amount shall be determined as follows:

(1) In the case of a plan with fewer than 100 participants at the beginning of the plan year (or a plan that would be treated as such a plan under the ''80–120'' participant rule described in 29 CFR 2520.103–1(d) for the subject plan year) (hereinafter ''small plan''), the applicable penalty amount is $10 per day for each day the annual report is filed after the date on which the annual report was due (without regard to any extensions), not to exceed the greater of: $750 per annual report or, in the case of a DFVC Program submission relating to more than one delinquent annual report for the plan, $1,500 per plan.

(2) In the case of a plan with 100 or more participants at the beginning of the plan year (other than a plan that is eligible to use and uses the ''80–120'' participant rule) (hereinafter ''large plan''), the applicable penalty amount is $10 per day for each day the annual report is filed after the date on which the annual report was due (without regard to any extensions), not to exceed the greater of: $2,000 per annual report or, in the case of a DFVC Program submission relating to more than one delinquent annual report for the plan, $4,000 per plan.

(3) In the case of a DFVC Program submission relating to more than one delinquent annual report for a plan, the applicable penalty amount shall be determined by reference to paragraph (b)(2) if for any plan year for which the submission is made the plan was a ''large plan.''

(4) In the case of a plan administrator filing an annual report for a ''small plan'' that is sponsored by a Code section 501(c)(3) organization (including a Code section 403(b) plan), the applicable penalty amount is $10 per day for each day the annual report is filed after the date on which the annual report was due (without regard to any extensions), not to exceed $750 per DFVC Program submission, including DFVC Program submissions that relate to more than one delinquent annual report for the plan. This paragraph (b)(4) shall not apply if, as of the date the plan administrator files pursuant to this DFVC Program, there is a delinquent or late annual report due for a plan year for which the plan was a ''large plan.''

.04 *Liability for Applicable Penalty Amount.*

The plan administrator is personally liable for the payment of civil penalties assessed under section 502(c)(2) of ERISA; therefore, civil penalties, including amounts paid under this DFVC Program, shall not be paid from the assets of an employee benefit plan.

Section 4—Plan Administrators Filing Notices for Apprenticeship and Training Plans and Statements for ''Top Hat'' Plans

.01 *General.* Administrators of apprenticeship and training plans, described in 29 CFR 2520.104–22, and administrators of pension plans for a select group of management or highly compensated employees, described in 29 CFR 2520.104–23(a) (''top hat plans''), who elect to file the applicable notice and statement described in 29 CFR 2520.104–22 and 29 CFR 2520.104–23, respectively, as a condition of relief from the annual reporting requirements may, in lieu of filing any past due annual report and paying otherwise applicable civil penalties, comply with the requirements of this Section 4. Administrators who have complied with the requirements of this Section 4 shall be considered as having elected compliance with the exemption(s) and/or alternative method of compliance prescribed in 29 CFR 2520.104–22 or 2520.104–23, as appropriate, for all subsequent plan years.

Filing Applicable Notice or Statement With the U.S. Department Of Labor.

The plan administrator must prepare and file a notice or statement meeting the requirements of 29 CFR 2520.104–22 or 29 CFR 2520.104–23, as appropriate.

The apprenticeship and training plan notice described in 29 CFR 2520.104–22 shall be sent to the Employee Benefits Security Administration in accordance with the instructions in that regulation.

The ''top hat'' plan statement described in 29 CFR 2520.104–23 shall be sent to the Employee Benefits Security Administration in accordance with the instructions in that regulation.

Note: A plan sponsor maintaining more than one ''top hat'' plan may file a single statement covering multiple plans. See 29 CFR 2520.104–23(b).

.03 *Payment of Applicable Penalty Amount.*

(a) The plan administrator of each such apprenticeship and training or ''top hat'' plan shall pay the applicable penalty amount by submitting electronic payment in accordance with the online penalty calculator and the web payment system on the Department's Web site. (See *http://www.dol.gov/ebsa/calculator/dfvcpmain.html*). The plan administrator may also pay the penalty by mailing a check to the address specified on the Department's Web site, along with a paper copy of the most current Form 5500 with only items 1a–1b, 2a–2c, and 3a–3c completed. Use plan number 888 for all top hat plans and 999 for all apprenticeship and training plans. The Form 5500 prepared for DFVCP payment verification purposes should *not* be filed with EFAST2.

Note: A paper submission of the Form 5500 to the DFVC program is in addition to the submission of the statement described in regulation section 29 CFR § 2520.104–22 or 29 CFR 2520.104–23 that is filed directly with the Department.

(b) The applicable penalty amount for apprenticeship and training and ''top hat'' plans is $750 for each DFVC Program submission, without regard to the number of plans maintained by the same plan sponsor for which notices and statements are filed pursuant to Section 4 and without regard to the number of plan participants covered under such plan or plans.

.04 *Liability for Applicable Penalty Amount.*

The plan administrator is personally liable for the payment of civil penalties assessed under section 502(c)(2) of ERISA; therefore, civil penalties, including amounts paid under this DFVC Program, shall not be paid from the assets of an employee benefit plan.

Section 5—Waiver of Right to Notice, Abatement of Assessment and Plan Status

.01 Payment of a penalty under the terms of this DFVC Program constitutes, with regard to the filings submitted under the Program, a waiver of an administrator's right both to receive notices of intent to assess a penalty under 29 CFR 2560.502c–2 from the Department and to contest the Department's assessment of the penalty amount.

.02 Although this Notice does not provide relief from late filing penalties under the Code, the IRS has provided the Department with the following information. The Code and the regulations thereunder require information to be filed on the Form 5500 Series Annual Return/Report and provide the IRS with authority to impose or assess penalties for failing or refusing to timely file an annual return/report. The IRS expects to issue separate guidance to provide certain penalty relief under the Code for delinquent Form 5500 and Form 5500–SF Annual Returns/Reports filed for Title I plans where:

(a) The conditions of this DFVC Program have been satisfied (including filing Schedules E, P, R, and T, as applicable); and

(b) Any requirements imposed by the IRS in such separate guidance are satisfied.

The relief under this notice is available only to the extent that a Form 5500 is required under Title I of ERISA. Plans that are not subject to Title I of ERISA are ineligible to participate in the DFVC Program.

.03 Although this Notice does not provide relief from late filing penalties under Title IV of ERISA, the Pension Benefit Guaranty Corporation (PBGC) has provided the Department with the following information. Title IV of ERISA and the regulations thereunder require information to be filed on the Form 5500 and Form 5500–SF Annual Returns/Reports and provide the PBGC with authority to assess penalties against a plan administrator under ERISA section 4071 for late filing of the Form 5500 Series Annual Return/Report. The PBGC has agreed that it will not assess a penalty against a plan administrator under ERISA section 4071 for late filing of a Form 5500 or Form 5500–SF Annual Return/Report, as appropriate, filed for a Title I plan where the conditions of this DFVC Program have been satisfied.

.04 Acceptance by the Department of a filing and penalty payment made pursuant to this DFVC Program does not represent a determination by the Department as to the status of the arrangement as a plan, the particular type of plan under Title I of ERISA, the status of the plan sponsor under the Code, or a determination by the Department that the provisions of 29 CFR 2520.104–22 or 29 CFR 2520.104–23 have been satisfied.

Signed at Washington, DC, this 18th day of January 2013.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2013–01616 Filed 1–28–13; 8:45 am]

BILLING CODE 4510–29–P

OFFICE OF MANAGEMENT AND BUDGET

Discount Rates for Cost-Effectiveness Analysis of Federal Programs

AGENCY: Office of Management and Budget.

ACTION: Revisions to Appendix C of OMB Circular A–94.

SUMMARY: The Office of Management and Budget revised Circular A–94 in 1992. The revised Circular specified certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the Budget of the United States Government were changed. These discount rates are found in Appendix C of the revised Circular. The updated discount rates are shown below. The discount rates in Appendix C are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the revised Circular. They do not apply to regulatory analysis.

DATES: The revised discount rates will be in effect through December 2013.

FOR FURTHER INFORMATION CONTACT: Gideon F. Lukens, Office of Economic Policy, Office of Management and Budget, (202) 395–3316.

Michael C. Falkenheim,

Acting Associate Director for Economic Policy, Office of Management and Budget.

Appendix C

(Revised December 2012)

Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses

Effective Dates. This appendix is updated annually. This version of the appendix is valid for calendar year 2013. A copy of the updated appendix can be obtained in electronic form through the OMB home page at *http://www.whitehouse.gov/omb/circulars_a094/a94_appx-c/*. The text of the Circular is found at *http://www.whitehouse.gov/omb/circulars_a094/*, and a table of past years' rates is located at *http://www.whitehouse.gov/sites/default/files/omb/assets/a94/dischist.pdf.* Updates of the appendix are also available upon request from OMB's Office of Economic Policy (202–395–3381).

Nominal Discount Rates. A forecast of nominal or market interest rates for calendar year 2013 based on the economic assumptions for the 2014 Budget is presented below. These nominal rates are to be used for discounting nominal flows, which are often encountered in lease-purchase analysis.

NOMINAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[In percent]

3-Year	5-Year	7-Year	10-Year	20-Year	30-Year
0.5	1.1	1.5	2.0	2.7	3.0

Real Discount Rates. A forecast of real interest rates from which the inflation premium has been removed and based on the economic assumptions from the 2014 Budget is presented below. These real rates are to be used for discounting constant-dollar flows, as is often required in cost-effectiveness analysis.

REAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[In percent]

3-Year	5-Year	7-Year	10-Year	20-Year	30-Year
−1.4	−0.8	−0.4	0.1	0.8	1.1

Analyses of programs with terms different from those presented above may use a linear interpolation. For example, a four-year project can be evaluated with a rate equal to the average of the three-year and five-year rates. Programs with durations longer than 30 years may use the 30-year interest rate.

[FR Doc. 2013–01843 Filed 1–28–13; 8:45 am]

BILLING CODE P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Paperwork Reduction Act; Notice of Intent To Collect; Comment Request

AGENCY: Office of National Drug Control Policy.

ACTION: The Office of National Drug Control Policy (ONDCP) seeks public comment on its proposed collection of information.

SUMMARY: ONDCP proposes the extension of three existing data collection instruments used in the production of advertising for the National Youth Anti-Drug Media Campaign and for advertising tracking.

Purpose: The existing data collection instruments are critical to the continuity and improvement of the National Youth Anti-Drug Media Campaign.

Type and Title of Collections: Qualitative Research, OMB 3201–0011, uses focus groups. Copy Testing, OMB 3201–0006, consists of 15-minute online interviews. Tracking Study, OMB 3201–0010, consists of 15-minute online interviews.

Frequency: Qualitative Research and Copy Testing performed quarterly. Tracking Study performed weekly.

Affected Public: Teenagers and adult influencers of teenagers.

Estimated Burden: Qualitative Research, $19,800; Copy Testing, $16,500; Tracking Study, $37,700.

Additional information: Collection instruments similar to those proposed are available at the Information Collection Review section of *http://www.reginfo.gov/public/jsp/Utilities/index.jsp.*

Contact: Address comments or questions to Andrew Hertzberg through any of the following: Executive Office of the President, Office of National Drug Control Policy, Washington DC 20503; *AHertzberg@ondcp.eop.gov*; (202) 395–6721 (fax); or, (202) 395–6353 (voice).

Signed in Washington DC on January 23, 2013.

Daniel R. Petersen,

Deputy General Counsel.

[FR Doc. 2013–01762 Filed 1–28–13; 8:45 am]

BILLING CODE 3180–02–P

NATIONAL SCIENCE FOUNDATION

Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: Under the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 et seq.), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed information collection.

DATES: Written comments on this notice must be received by April 1, 2013 to be

assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by email to *splimpton@nsf.gov*.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send email to *splimpton@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: Antarctic emergency response plan and environmental protection information.

OMB Approval Number: 3145–0180

Expiration Date of Approval: August 31, 2013.

Abstract: The NSF, pursuant to the Antarctic Conservation Act of 1978 (16 U.S.C. 2401 et seq.) (''ACA'') regulates certain non-governmental activities in Antarctica. The ACA was amended in 1996 by the Antarctic Science, Tourism, and Conservation Act. On September 7, 2001, NSF published a final rule in the **Federal Register** (66 FR 46739) implementing certain of these statutory amendments. The rule requires non-governmental Antarctic expeditions using non-U.S. flagged vessels to ensure that the vessel owner has an emergency response plan. The rule also requires persons organizing a non-governmental expedition to provide expedition members with information on their environmental protection obligations under the Antarctic Conservation Act.

Expected Respondents. Respondents may include non-profit organizations and small and large businesses. The majority of respondents are anticipated to be U.S. tour operators, currently estimated to number twelve.

Burden on the Public. The Foundation estimates that a one-time paperwork and recordkeeping burden of 40 hours or less, at a cost of $500 to $1400 per respondent, will result from the emergency response plan requirement contained in the rule. Presently, all respondents have been providing expedition members with a copy of the Guidance for Visitors to the Antarctic (prepared and adopted at the Eighteenth Antarctic Treaty Consultative Meeting as Recommendation XVIII–1). Because this Antarctic Treaty System document satisfies the environmental protection information requirements of the rule, no additional burden shall result from the environmental information requirements in the proposed rule.

Dated: January 23, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–01760 Filed 1–28–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On December 4, 2012, the National Science Foundation published a notice in the **Federal Register** of a permit application received. A permit was issued on January 24, 2013 to:

Alison Cleary Permit No. 2013–025

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 2013–01803 Filed 1–28–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, February 12, 2013.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTER TO BE CONSIDERED: 8464 Railroad Accident Report—Collision of Two Canadian National Railway Freight Trains near Two Harbors, MN—September 30, 2010.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314–6305 or by email at *Rochelle.Hall@ntsb.gov* by Friday, February 8, 2013.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates including weather-related cancellations are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing, (202) 314–6403 or by email at *bingc@ntsb.gov.*

FOR MEDIA INFORMATION CONTACT: Keith Holloway, (202) 314–6144 or by email at *hollowk@ntsb.gov*

Dated: Friday, January 25, 2013.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2013–01973 Filed 1–25–13; 4:15 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos.: 052–00025 and 052–00026; NRC–2008–0252]

Vogtle Electric Generating Plant, Units 3 and 4; Application and Amendment to Combined Licenses Involving Proposed No Significant Hazards Consideration Determination

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing and petition for leave to intervene.

DATES: Comments must be filed by February 28, 2013. A request for a hearing must be filed by April 1, 2013.

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and are publicly available, by searching on *http://www.regulations.gov* under Docket ID NRC–2008–0252. You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

• *Fax comments to:* RADB at 301–492–3446.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Ravindra Joshi, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6191; email: *ravindra.joshi@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly available, by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The application for amendment, dated January 18, 2013, is available in ADAMS under Accession No. ML13022A254.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2008–0252 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Combined Licenses (NPF–91 and NPF–92), issued to Southern Nuclear Operating Company, Inc. (SNC), and Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia (the licensee), for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4 located in Burke County, Georgia.

The proposed amendment would depart from VEGP Units 3 and 4 plant-specific Design Control Document (DCD) Tier 2* material contained within the Updated Final Safety Analysis Report (UFSAR) by revising the structural criteria code for anchoring of headed shear reinforcement bar within the nuclear island basemat concrete.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design function of the nuclear island basemat is to provide the interface between the nuclear island structures and the supporting soil or rock. The basemat transfers the load of nuclear island structures to the supporting soil or rock. The basemat transmits seismic motions from the supporting soil or rock to the nuclear island.

The change of the requirements for anchoring basemat shear reinforcement does not have an adverse impact on the response of the basemat and nuclear island structures to safe shutdown earthquake ground motions or loads due to anticipated transients or postulated accident conditions. The change of the requirements for anchoring basemat shear reinforcement does not impact the support, design, or operation of mechanical and fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the change described create any new accident precursors. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is to provide the requirements for anchoring nuclear island basemat shear reinforcement. The change of the requirements for anchoring basemat shear reinforcement does not change the design of the basemat or nuclear island structures except to a limited extent in the concrete below the elevator pits and auxiliary building sump. The change of the requirements for anchoring basemat shear reinforcement does not change the design function, support, design, or operation of mechanical and fluid systems. The change of the requirements for anchoring basemat shear reinforcement does not result in a new failure mechanism for the basemat or new accident precursors. As a result, the design function of the basemat is not adversely affected by the proposed change. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus, no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing; Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject combined licenses. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. NRC regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the

Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call to 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from January 29, 2013. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

For further details with respect to this action, see the application for amendment dated January 18, 2013.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

Dated at Rockville, Maryland, this 23rd day of January 2013.

For the Nuclear Regulatory Commission.

Ravindra Joshi,

Senior Project Manager, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2013–01823 Filed 1–28–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos.: 052–00027 and 052–00028; NRC–2008–0441]

Virgil C. Summer Nuclear Station, Units 2 and 3; Application and Amendment to Facility Combined Licenses Involving Proposed No Significant Hazards Consideration Determination

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing and petition for leave to intervene.

DATES: Comments must be filed by February 28, 2013. A request for a hearing must be filed by April 1, 2013.

ADDRESSES: You may access information and comment submissions related to this document, which the NRC

possesses and are publicly available, by searching on *http://www.regulations.gov* under Docket ID NRC–2008–0441. You may submit comments by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

• *Fax comments to:* RADB at 301–492–3446.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0681; email: *denise.mcgovern@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2008–0441 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly available, by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The application for amendment, dated January 18, 2013, is available in ADAMS under Accession No. ML13022A418.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2008–0441 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Combined Licenses (NPF–93 and NPF–94), issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina.

The proposed license amendment would depart from VCSNS Units 2 and 3 plant-specific Design Control Document (DCD) Tier 2 and Tier 2* material contained within the Updated Final Safety Analysis Report (UFSAR) by revising the structural code for development of headed shear reinforcement within the nuclear island basemat concrete.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design function of the nuclear island basemat is to provide the interface between the nuclear island structures and the supporting soil or rock. The basemat transfers the load of nuclear island structures to the supporting soil or rock. The basemat transmits seismic motions from the supporting soil or rock to the nuclear island.

The change of the requirements for anchoring basemat shear reinforcement does not have an adverse impact on the response of the basemat and nuclear island structures to safe shutdown earthquake ground motions or loads due to anticipated transients or postulated accident conditions. The change of the requirements for anchoring basemat shear reinforcement does not impact the support, design, or operation of mechanical and fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions.

There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the change described create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is to provide the requirements for anchoring nuclear island basemat shear reinforcement. The change of the requirements for anchoring basemat shear reinforcement does not change the design of the basemat or nuclear island structures except to a limited extent in the concrete below the elevator pits and auxiliary building sump. The change of the requirements for anchoring basemat shear reinforcement does

not change the design function, support, design, or operation of mechanical and fluid systems. The change of the requirements for anchoring basemat shear reinforcement does not result in a new failure mechanism for the basemat or new accident precursors. As a result, the design function of the basemat is not adversely affected by the proposed change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus, no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing; Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject combined licenses. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in the NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of

the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

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Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call to 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from January 29, 2013. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

For further details with respect to this action, see the application for amendment dated January 18, 2013.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

Dated at Rockville, Maryland, this 23rd day of January 2013.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Project Manager, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2013–01832 Filed 1–28–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0189 and NRC–2010–0047]

Final Interim Staff Guidance Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials From Liquid Waste Tanks for Combined License Applications—DC/COL–ISG–013 and Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials From Liquid Waste Tanks in Ground and Surface Waters for Combined License Applications—DC/COL–ISG–014

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff is issuing Final Interim Staff Guidance (ISG) DC/COL–ISG–013 and DC/COL–ISG–014. ISG–013 supplements NUREG–0800 Standard Review Plan (SRP) Section 11.2 and Branch Technical Position 11–6 and ISG–014 supplements SRP Sections 2.4.12 and 2.4.13. The purpose of these ISGs is to provide staff guidance for assessing combined license (COL) applicant compliance with acceptance criteria.

DATES: The effective date of the COL–ISGs is February 28, 2013.

ADDRESSES: Please refer to Docket ID NRC–2009–0189 and NRC–2010–0047 when contacting the NRC about the availability of information regarding these documents. You may access information related to these documents, which the NRC possesses and are publicly available by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2009–0189 and NRC–2010–0047. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

ADAMS accession No.	Document title
ML12191A290	DC/COL–ISG–013, Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials from Liquid Waste Tanks for Combined License Applications and DC/COL–ISG–014, Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials from Liquid Waste Tanks in Ground and Surface Waters for Combined License Applications (Package).
ML12191A304	**Federal Register** notice; Office of New Reactors: DC/COL–ISG–013 and DC/COL–ISG–014, Notice of Availability.
ML12191A325	Final DC/COL–ISG–013, Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials from Liquid Waste Tanks for Combined License Applications.
ML12191A330	Final DC/COL–ISG–014, Assessing the Radiological Consequences of Accidental Releases of Radioactive Materials from Liquid Waste Tanks in Ground and Surface Waters for Combined License Applications.
ML12191A346	Comment Response Document for DC/COL–ISG–013.
ML12191A342	Comment Response Document for DC/COL–ISG–014.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ms. Amy E. Cubbage, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2875 or by email at: *Amy.Cubbage@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

In reviewing applications for certified designs and combined licenses under part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC staff found that the March 2007, SRP staff guidance did not provide sufficient guidance to adequately evaluate applicants' approach in modeling the movement of radioactivity and in assessing the radiological impacts following the postulated failure of a tank containing radioactive materials. The two ISGs are being issued simultaneously because they are intended to be used together. ISG–013 addresses the development of the radiological source term contained in the postulated tank failure and mechanism for the radioactivity to reach groundwater or surface water, while ISG–014 focuses on characterizing the hydro-geologic conditions of the site where radioactivity is assumed to enter groundwater or surface water and modeling the movement of the radioactivity to points beyond the site boundary.

II. Background

The staff issues COL–ISGs to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for COL–ISGs by the staff. These ISGs supplement the guidance contained in Regulatory Guide (RG) 1.206, Revision 0, ''Combined License Applications for Nuclear Power Plants (LWR Edition).'' In addition, these ISGs supplement the guidance provided for staff review of COL applications contained in NUREG–0800, SRP dated March 2007. The NRC staff intends to incorporate these final ISGs into the next revision of RG 1.206 and NUREG–0800. On February 24, 2010 (75 FR 8411 and 75 FR 8412), the staff reopened the comment period for the proposed draft DC/COL–ISG–013, under ADAMS Accession No. ML090830488 and issued the proposed draft DC/COL–ISG–014, under ADAMS Accession No. ML091320560 for public comment. The staff received questions and editorial comments which were considered in the development of the final ISGs. The questions, comments, and staff resolutions of those comments are contained in ''DC/COL–ISG–013 Comment Resolution'' which can be found under ADAMS Accession No. ML12191A346, and ''DC/COL–ISG–014 Comment Resolution'' which can be found under ADAMS Accession No. ML12191A342. See NRC's public Web page: (*http://www.nrc.gov/reading-rm/doc-collections/isg/*).

III. Backfitting and Issue Finality

Issuance of these ISGs does not constitute backfitting as defined in 10 CFR 50.109, nor is it inconsistent with any of the issue finality provisions in 10 CFR Part 52. These ISGs do not contain

any new requirements for COL applicants or holders under Part 52, or for licensees of existing operating units licensed under Part 50. Rather, they contain additional guidance and clarification on compliance with 10 CFR 50.34(h) and 10 CFR 52.79(a)(41), and may be used by operating license and COL applicants, respectively, in the preparation of their applications. As explained in the applicability section of each ISG, the ISGs do not apply to holders of nuclear power reactor operating licenses under 10 CFR Part 50 or combined licenses under 10 CFR Part 52 as of the effective date of these ISGs and, for ISG–014, the effective date of revision of SRP Section 2.4.13, and for applicants for nuclear power reactor operating licenses under 10 CFR Part 50 or combined licenses under 10 CFR Part 52 that have committed, in applications docketed with the NRC as of the effective date of this ISG and, for ISG–014, the effective date of revision of SRP Section 2.4.13, to specific guidance in assessing the radiological consequences of a postulated failure of a tank containing radioactive materials.

Congressional Review Act

Each of these ISGs is a rule as designated in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found either one to be a major rule as designated in the Congressional Review Act.

SUPPLEMENTARY INFORMATION: The agency posts its issued staff guidance in the agency external Web page (*http://www.nrc.gov/reading-rm/doc-collections/isg/*).

Dated at Rockville, Maryland, this 22nd day of January 2013.

For the Nuclear Regulatory Commission.

Amy E. Cubbage,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2013–01834 Filed 1–28–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0001]

Sunshine Act; Meeting Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Weeks of January 28, February 4, 11, 18, 25, March 4, 2013.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 28, 2013

Thursday, January 31, 2013

8:55 a.m. Affirmation Session (Public Meeting) (Tentative)

Enforcement Orders Directed to All Operating Boiling Water Reactor Licensees with Mark I and Mark II Containments and All Power Reactor Licensees and Holders of Construction Permits in Active or Deferred Status (EA–12–050 and EA–12–051); Pilgrim Watch Appeal of LBP–12–14 (Tentative).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

9:00 a.m. Briefing on Public Participation in NRC Regulatory Decision-Making (Public Meeting); (Contact: Lance Rakovan, 301–415–2589)

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Friday, February 1, 2013

9:30 a.m. Briefing on Equal Employment Opportunity (EEO) and Small Business Programs (Public Meeting); (Contact: Sandra Talley, 301–415–8059).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Week of February 4, 2013—Tentative

Thursday, February 7, 2013

1:00 p.m. Briefing on Steam Generator Tube Degradation (Public Meeting); (Contact: Ken Karwoski, 301–415–2752).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Week of February 11, 2013—Tentative

There are no meetings scheduled for the week of February 11, 2013.

Week of February 18, 2013—Tentative

Wednesday, February 20, 2013

1:00 p.m. Briefing on Uranium Recovery (Public Meeting); (Contact: Bill von Till, 301–415–0598).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Thursday, February 21, 2013

9:30 a.m. Briefing on the Threat Environment Assessment (Closed—Ex. 1).

Week of February 25, 2013—Tentative

There are no meetings scheduled for the week of February 25, 2013.

Week of March 4, 2013—Tentative

There are no meetings scheduled for the week of March 4, 2013.

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *kimberly.meyer-chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *darlene.wright@nrc.gov.*

Dated: January 24, 2013.

Richard J. Laufer,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2013–01985 Filed 1–25–13; 4:15 pm]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) the practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the

subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Under Section 9 of the Railroad Retirement Act (RRA), and Section 6 of the Railroad Unemployment Insurance Act (RUIA), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA and RUIA. To pay benefits due on a deceased employee's earnings records or determine entitlement to, and amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service and compensation not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.6 and 209.7.

The RRB currently utilizes Form G–88A.1, Notice of Retirement and Verification of Date Last Worked, Form G–88A.2, Notice of Retirement and Request for Service Needed for Eligibility, and Form AA–12, Notice of Death and Compensation, to obtain the required lag service and related information from railroad employers. Form G–88A.1 is a computer-generated listing sent by the RRB to railroad employers and used for the specific purpose of verifying information previously provided to the RRB regarding the date last worked by an employee. If the information is correct, the employer need not reply. If the information is incorrect, the employer is asked to provide corrected information. Form G–88A.2 is used by the RRB to secure lag service and compensation information when it is needed to determine benefit eligibility. Form AA–12 obtains a report of lag service and compensation from the last railroad employer of a deceased employee. This report covers the lag period between the date of the latest record of employment processed by the RRB and the date an employee last worked, the date of death or the date the employee may have been entitled to benefits under the Social Security Act. The information is used by the RRB to determine benefits due on the deceased employee's earnings record.

In addition, 20 CFR 209.12(b) requires all railroad employers to furnish the RRB with the home addresses of all employees hired within the last year (new-hires). Form BA–6a, *Form BA–6 Address Report,* is used by the RRB to obtain home address information of employees from railroad employers who do not have the home address information computerized and who submit the information in a paper format. The form also serves as an instruction sheet to railroad employers who can submit the information electronically by magnetic tape cartridge, CD–ROM, PC diskette, secure Email, or via ERS.

Completion of the forms is mandatory. Multiple responses may be filed by respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (77 FR 51833 on August 27, 2012) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Employer Reporting.

OMB Control Number: 3220–0005.

Form(s) submitted: AA–12, G–88A.1, G–88A.2, BA–6a, BA–6a (Internet), and BA–6a (Email).

Type of request: Revision of a currently approved collection.

Affected public: Private sector; Businesses or other for-profits.

Abstract: Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, railroad employers are required to report service and compensation for employees needed to determine eligibility to and the amounts of benefits paid.

Changes proposed: The RRB proposes no changes to Forms AA–12, G–88A.2 or BA–6a; minor editorial changes to the paper version of Form G–88A.1 and the implementation of an Internet equivalent version of Forms G–88A.1 and G–88A.2 that can be submitted through the RRB's Employer Reporting System (ERS).

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–12	60	5	5
G–88A.1	100	5	8
G–88A.1 Internet	260	4	17
G–88A.1 Internet (Class 1 railroads)	144	16	38
G–88A.2	100	5	8
G–88A.2 (Internet)	1,200	2.5	50
BA–6a Electronic Equivalent	14	15	4
BA–6a (Email)	30	15	8
BA–6a (File Transfer Protocol)	10	15	3
BA–6a Internet (RR initiated)	250	17	71
BA–6a Internet (RRB initiated)	250	12	50
BA–6a Paper (RR initiated)	80	32	43
BA–6a Paper (RRB initiated)	250	32	133
Total	2,748	.....	438

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV*.

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Charles.Mierzwa@RRB.GOV* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2013–01799 Filed 1–28–13; 8:45 am]

BILLING CODE 7905–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Repayment of Debt; OMB 3220–0169.

When the Railroad Retirement Board (RRB) determines that an overpayment of Railroad Retirement Act (RRA) or Railroad Unemployment Insurance Act (RUIA) benefits has occurred, it initiates prompt action to notify the annuitant of the overpayment and to recover the money owed the RRB. To effect payment of a debt by credit card, the RRB utilizes Form G–421F, Repayment by Credit Card. RRB procedures pertaining to benefit overpayment determinations and the recovery of such benefits are prescribed in 20 CFR parts 255 and 340.

One form is completed by each respondent. Completion is voluntary. The RRB proposes minor non-burden impacting editorial changes to Form G–421F.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

[The estimated annual respondent burden is as follows]

Form number	Annual responses	Time (minutes)	Burden (hours)
G–421F	535	5	45
Total	535		45

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.* Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or emailed to *Charles.Mierzwa@RRB.GOV.* Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2013–01801 Filed 1–28–13; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, January 31, 2013 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Gallagher, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: January 24, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–01960 Filed 1–25–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68710; File No. SR–NYSEMKT–2013–02]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 107C—Equities To Allow Retail Liquidity Providers To Enter Retail Price Improvement Orders in a Non-RLP Capacity for Securities to Which the RLP Is Not Assigned

January 23, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 11, 2013, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 107C—Equities to clarify that

[1] 15 U.S.C. 78s(b)(2).

[2] 17 CFR 240.19b–4.

Retail Liquidity Providers (''RLPs'') may enter Retail Price Improvement Orders (''RPIs'') in a non-RLP capacity for securities to which the RLP is not assigned. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing an amendment to Rule 107C—Equities to clarify that RLPs may enter RPIs in a non-RLP capacity for securities to which the RLP is not assigned.

Under current Rule 107C—Equities, a member organization that is registered as an RLP must submit RPIs for securities that are assigned to the RLP, with an RPI being required to be priced better than the PBBO by at least $0.001 per share. For each assigned securities, an RLP must maintain RPIs that are better than the PBBO at least 5% of the trading day. If an RLP fails to meet this 5% quoting requirement in any assigned security for three consecutive months, the Exchange may: (1) Revoke the assignment of any or all of the affected securities; (2) revoke the assignment of unaffected securities; or (3) disqualify the member organization to serve as a Retail Liquidity Provider. Under the Retail Liquidity Program, member organizations that are not RLPs are permitted to interact with Retail Orders within the Program by also submitting RPIs. Member organizations are not eligible for the lower execution fees available to RLPs who satisfy their quoting requirements.

The Exchange is proposing to amend Rule 107C—Equities to clarify that RLPs may act in a non-RLP capacity for those securities to which it is not assigned, and as a result, may submit RPIs for those securities. For securities to which it is not assigned, the RLP would not be required to satisfy the quoting requirements found in Rule 107C(f)—Equities, but would also not be eligible for the lower execution fees available to RLPs submitting RPIs for assigned securities.[3] For assigned securities, the RLP would still be subject to the quoting requirements found in Rule 107C(f)—Equities, and failure to meet those requirements, could still result in the actions found in Rule 107C(g)—Equities.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(5),[5] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes the change proposed herein meets these requirements because it permits member organizations who have taken on the extra requirements of being an RLP in its assigned securities to still participate in the Program with other member organizations for those securities to which it is not assigned, which promotes just and equitable principles of trade. Without such permission, an RLP would be effectively penalized for taking on the responsibilities of becoming an RLP in assigned securities by not being permitted to participate in the program in securities to which it is not assigned. The proposed rule change would rectify this disparate treatment between RLPs and non-RLP member organizations in non-assigned securities. Additionally, the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will allow RLPs to submit RPIs in both its assigned and non-assigned securities, thus creating a larger pool of liquidity for Retail Orders to interact with and stimulating further price competition for retail orders.

[3] Currently, RLPs who satisfy the applicable percentage requirement of Rule 107C—Equities are not charged a fee per share per execution of RPIs against a Retail Order. Non-RLP member organizations, unless they execute an average daily volume during the month of at least 500,000 shares of RPIs, would be charged a fee per share per execution of RPIs against Retail Orders of $0.0003.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the amendment, by increasing the level of participation in the program, will increase the level of competition around executions such that retail investors would receive better prices than they currently do on the Exchange and potentially through bilateral internalization arrangements. The Exchange believes that the transparency and competitiveness of operating a program such as the Retail Liquidity Program on an exchange market would result in better prices for retail investors, and benefits retail investors by expanding the capabilities of Exchanges to encompass practices currently allowed on non-Exchange venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[9] the Commission may designate a shorter time if such action is consistent with the protection

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

of investors and the public interest.[10] The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The proposal would explicitly state that RLPs could submit RPIs in non-assigned securities, which should allow retail orders additional opportunities to receive price improvement. Therefore, the Commission designates the proposed rule change as operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2013–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2013–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2013–02 and should be submitted on or before February 19, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–01840 Filed 1–28–13; 8:45 am]

BILLING CODE 8011–01–P

[10] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68707; File No. SR–NASDAQ–2012–090]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change To Amend Rule 4626—Limitation of Liability

January 23, 2013.

I. Introduction

On July 23, 2012, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rule 4626—Limitation of Liability (''accommodation proposal''). The proposed rule change was published for comment in the **Federal Register** on August 1, 2012.[3] The Commission received 11 comment letters on the accommodation proposal[4] and a response letter from Nasdaq.[5] On September 12, 2012, the Commission extended the time period in which to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 67507 (July 26, 2012), 77 FR 45706 (''Notice'').

[4] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from Sis DeMarco, Chief Compliance Officer, Triad Securities Corp., dated August 20, 2012 (''Triad Letter''); Eugene P. Torpey, Chief Compliance Officer, Vandham Securities Corp., dated August 21, 2012 (''Vandham Letter''); John C. Nagel, Managing Director and General Counsel, Citadel LLC, dated August 21, 2012 (''Citadel Letter''); Benjamin Bram, Watermill Institutional Trading LLC, dated August 22, 2012 (''Bram Letter''); Daniel Keegan, Managing Director, Citigroup Global Markets Inc., dated August 22, 2012 (''Citi Letter''); Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated August 22, 2012 (''SIFMA Letter I''); Mark Shelton, Group Managing Director and General Counsel, UBS Securities LLC, dated August 22, 2012 (''UBS Letter I''); Andrew J. Entwistle and Vincent R. Cappucci, Entwistle & Cappucci LLP, dated August 22, 2012 (''Entwistle Letter''); Douglas G. Thompson, Michael G. McLellan, and Robert O. Wilson, Finkelstein Thompson LLP, Christopher Lovell, Victor E. Stewart, and Fred T. Isquith, Lovell Stewart Halebian Jacobson LLP, Jacob H. Zamansky and Edward H. Glenn, Zamansky & Associates LLC, dated August 22, 2012 (''Thompson Letter I''); James J. Angel, Associate Professor of Finance, Georgetown University, McDonough School of Business, dated August 23, 2012 (''Angel Letter''); and Leonard J. Amoruso, General Counsel, Knight Capital Group, Inc., dated August 29, 2012 (''Knight Letter'').

[5] *See* letter to Elizabeth M. Murphy, Secretary, Commission, from Joan C. Conley, Senior Vice President and Corporate Secretary, The NASDAQ Stock Market LLC, dated September 17, 2012 (''Nasdaq Letter I'').

either approve the accommodation proposal, disapprove the accommodation proposal, or to institute proceedings to determine whether to approve or disapprove the accommodation proposal, to October 30, 2012.[6] On October 26, 2012, the Commission instituted proceedings to determine whether to approve or disapprove the accommodation proposal.[7] The Commission subsequently received six additional comment letters on the accommodation proposal[8] and a second response letter from Nasdaq.[9]

Section 19(b)(2) of the Act[10] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change.[11] The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination.[12] The proposed rule change was published for notice and comment in the **Federal Register** on August 1, 2012. January 28, 2013, is 180 days from that date, and March 29, 2013, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the accommodation proposal, the issues raised in the comment letters that have been submitted in response to the accommodation proposal, including comment letters submitted in response to the Order Instituting Proceedings, and the Exchange's responses to such comments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[13] designates March 29, 2013 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NASDAQ–2012–090).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–01810 Filed 1–28–13; 8:45 am]

BILLING CODE 8011–01–P

[6] *See* Securities Exchange Act Release No. 67842 (September 12, 2012), 77 FR 57171 (September 17, 2012).

[7] *See* Securities Exchange Act Release No. 68115 (October 26, 2012), 77 FR 66197 (November 2, 2012) (''Order Instituting Proceedings'').

[8] *See* letters to Elizabeth M. Murphy, Secretary, Commission, from John Robinson dated November 13, 2012 (''Robinson Letter''); Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated November 20, 2012 (''SIFMA Letter II''); Jeremy Abelson, MJA Capital, dated November 21, 2012 (''Abelson Letter''); Douglas G. Thompson, Michael G. McLellan, and Robert O. Wilson, Finkelstein Thompson LLP, Christopher Lovell, Victor E. Stewart, and Fred T. Isquith, Lovell Stewart Halebian Jacobson LLP, Jacob H. Zamansky and Edward H. Glenn, Zamansky & Associates LLC, dated November 23, 2012 (''Thompson Letter II''); Tim Mann dated November 23, 2012 (''Mann Letter''); Mark Shelton, Group Managing Director and General Counsel, UBS Securities LLC, dated November 23, 2012 (''UBS Letter II'').

[9] *See* letter to Elizabeth M. Murphy, Secretary, Commission, from Joan C. Conley, Senior Vice President and Corporate Secretary, The NASDAQ Stock Market LLC, dated December 7, 2012 (''Nasdaq Letter II'').

[10] 15 U.S.C. 78s(b)(2).

[11] 15 U.S.C. 78s(b)(2)(B)(ii)(I).

[12] 15 U.S.C. 78s(b)(2)(B)(ii)(II).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68711; File No. SR–MIAX–2013–01]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Options Fee Schedule

January 23, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 14, 2013, Miami International Securities Exchange LLC (''Exchange'' or ''MIAX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') by adopting additional Transaction Fees and establishing an Options Regulatory Fee applicable to participants trading options on and using services provided by MIAX.

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative January 2, 2013.[3]

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish select transaction and regulatory fees applicable to market participants trading options on and using services provided by the Exchange. These fees will apply to all options traded on MIAX. This proposed rule change replaces previously submitted filing SR–MIAX–2012–06, which was withdrawn, in its entirety.

a. Transaction Fees

The proposed Fee Schedule sets forth transaction fees for all options traded on the Exchange in amounts that vary depending upon whether the transaction is for the account of a Market Maker or other market participant, as described more fully below.

i. Market Maker Transaction Fees

Transaction fees applicable to Market Makers will be based upon the type of Market Maker and whether the transaction resulted from an order that was directed to the Market Maker. Market Makers are registered in one of three categories: Primary Lead Market Maker (''PLMM''),[4] Lead Market Maker

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* File No. MIAX–2012–06, filed December 31, 2012 (withdrawn by MIAX on January 14, 2013).

[4] The term ''Primary Lead Market Maker'' means a Lead Market Maker appointed by the Exchange to

Continued

(''LMM''),[5] or Registered Market Maker (''RMM'').[6] When the term ''Market Maker'' is used herein, it shall refer collectively to all Market Makers registered in the categories of PLMM, LMM and RMM. As outlined in Chapter VI of the Exchange's rules, these categories are important in the differentiation of appointments, obligations and requirements for each type of Market Maker. As described in Rule 602, each option class can have only one PLMM appointed, but multiple LMMs and RMMs can be appointed in each option class up to a limit of 50 Market Makers per option class. PLMMs have a higher continuous quoting obligation than both LMMs and RMMs, and LMMs have a higher continuous quoting obligation than RMMs as described in Rule 604(e). Additionally, Rule 609 sets forth financial requirements—the highest level for PLMMs, the next highest level to LMMs and the lowest level for RMMs. Thus, transaction fees charged to PLMMs, LMMs and RMMs reflect the distinctions between these types of Market Makers. RMMs will be charged $0.23 per executed contract, LMMs will be charged $0.20 per executed contract and PLMMs will be charged $0.18 per executed contract.

In addition, a discount of $0.02 is applied for Directed Orders. An Electronic Exchange Member (''EEM'')[7] may designate a Lead Market Maker (''Directed Lead Market Maker'' or ''Directed LMM'') on orders it enters into the System. The LMM must have an appointment in the option class in order to receive a Directed Order in that option class.[8] An LMM may also be the PLMM in an option class and receive a Directed Order (a ''Directed PLMM''). If an order is directed to a Directed LMM, the transaction fee will be $0.18 per executed contract for that Directed LMM and if an order is directed to the Directed PLMM in an option class, the transaction fee will be $0.16 per executed contract for the Directed PLMM. This discount is in recognition of the effort on the part of Directed LMMs and Directed PLMMs to attract directed order flow to the Exchange. RMMs are not eligible to receive Directed Orders and therefore will not be offered this discount.

MIAX's Transaction Fees for Market Makers are comparable to those of other options exchanges.

For example, NYSEAmex assesses a $0.18 per contract transaction fee to directed market makers, whereas MIAX is proposing the same $0.18 per contract Transaction Fee for Directed LMMs, and a $0.16 per contract Transaction Fee for Directed PLMMs. Non-directed NYSEAmex options market makers are assessed a $0.20 per contract transaction fee. MIAX proposes to assess non-Directed LMMs the same $0.20 per contract Transaction Fee, and non-Directed PLMMs a Transaction Fee of $0.18.

MIAX RMMs would be assessed a Transaction Fee of $0.23 per contract, which is the same amount as the transaction fee in non ''maker-taker'' options for market makers trading in non-Penny Pilot options on NASDAQ OMX PHLX (''PHLX'').[9]

ii. Other Market Participant Transaction Fees

Orders for Priority Customer Accounts

There will be no transaction fees assessed to EEMs entering orders for the account(s) of Priority Customers.[10] Similarly, NYSEAmex and PHLX do not charge transaction fees for non-professional customer orders in non-''maker-taker'' options.

Public Customer That Is Not a Priority Customer

An EEM that enters an order that is executed for the account of a Public Customer[11] that does not meet the criteria for designation as a Priority Customer will be assessed a fee of $0.25 per contract. This fee will also be charged to an EEM that enters an order for the account of a Public Customer that has elected to be treated as a Voluntary Professional.[12] This transaction fee is identical to the transaction fee assessed for orders for the account(s) of PHLX ''professional customers'' in the non-maker-taker option classes.

Non-MIAX Market Maker

An EEM that enters an order that is executed for the account of a non-MIAX market maker will be assessed a fee of $0.45 per contract. A non-MIAX market maker is a market maker registered as such on another options exchange. At forty-five cents, MIAX's transaction fee per executed contract for the account of a non-MIAX market maker is the same as CBOE (in Penny Pilot issues).

Non-Member Broker-Dealer

An EEM that enters an order that is executed for the account of a non-Member Broker-Dealer will be assessed a fee of $0.45 per contract. At forty-five cents, MIAX's Transaction Fee per executed contract for the account of a non-Member Broker-Dealer will be the same as the CBOE per-contract fee for transactions for the account of a broker-dealer applicable to option classes included in the Penny Pilot.

Moreover, other exchanges currently differentiate between Broker-Dealers (the equivalent of a MIAX non-Member Broker-Dealer), Firms and ''Professional Customers'' (the equivalent of a MIAX non-Priority Customer) respecting Transaction Fees. For example, the term ''non-Member Broker-Dealer'' is used by MIAX, and is analogous to the term ''Broker-Dealer'' as used on PHLX. MIAX uses the term ''non-Priority Customer'' synonymously with the PHLX ''Professional Customer.''

MIAX's proposed treatment of Transaction Fees for non-Member Broker-Dealers is similar to that of Broker-Dealers on the PHLX in that the Transaction Fees applicable to them would be differentiated, and higher, than those applicable to Firms (who clear as such through OCC) and MIAX non-Priority Customers, who are subject to the same restrictions as PHLX Professional Customers (*i.e.,* a person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on

act as the Primary Lead Market Maker for the purpose of making markets in securities traded on the Exchange. The Primary Lead Market Maker is vested with the rights and responsibilities specified in Chapter VI of the Rules with respect to Primary Lead Market Makers. *See* Exchange Rule 100.

[5] The term ''Lead Market Maker'' means a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of these Rules with respect to Lead Market Makers. When a Lead Market Maker is appointed to act in the capacity of a Primary Lead Market Maker, the additional rights and responsibilities of a Primary Lead Market Maker specified in Chapter VI of the Rules will apply. *See* Exchange Rule 100.

[6] The term ''Registered Market Maker'' means a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange, who is not a Lead Market Maker and is vested with the rights and responsibilities specified in Chapter VI of the Rules with respect to Registered Market Makers. *See* Exchange Rule 100.

[7] The term ''Electronic Exchange Member'' means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed ''members'' under the Act. *See* Exchange Rule 100.

[8] *See* Exchange Rule 514(h) for the requirements related to Directed Orders.

[9] MIAX is not proposing a ''maker-taker'' fee model at this time.

[10] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.

[11] The term ''Public Customer'' means a person that is not a broker or dealer in securities. *See* Exchange Rule 100.

[12] The term ''Voluntary Professional'' means any Public Customer that elects, in writing, to be treated in the same manner as a broker or dealer in securities for purposes of Rule 514, as well as the Exchange's schedule of fees. *See* Exchange Rule 100.

average during a calendar month for its own beneficial account(s)).

MIAX uses the term ''Firm'' to apply to a transaction for an account identified by the EEM for clearing in the OCC ''Firm'' range. PHLX's definition also uses the term ''Firm'' to apply to any transaction that is identified by a PHLX member or member organization for clearing in the ''Firm'' range at OCC.[13] An EEM that enters an order that is executed for an account identified by the EEM for clearing in the ''Firm'' range at OCC will be assessed a fee of $0.25 per contract. At twenty-five cents, MIAX's transaction fee per executed contract for the account of a Firm is lower than PHLX ($0.40 respecting options in the Penny Pilot) and is higher than CBOE, ISE in non-select symbols, and NYSE Amex ($0.20 each, respectively).

Thus, there is precedent to treat non-Member Broker-Dealers (who are neither OCC members nor members of another options exchange) differently from Firms and non-Priority Customers respecting transaction fees.[14] Accordingly, MIAX believes that, because this differentiation is already made on PHLX and on NYSE Amex,[15] MIAX's proposal to differentiate among these participants raises no new regulatory issues. The instant MIAX proposal is therefore an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities, and is not unfairly discriminatory, consistent with Section (6)(b)(4) of the Act.[16]

The above Transaction Fees will be effective on and after January 2, 2013.

b. Options Regulatory Fee

MIAX will assess an Options Regulatory Fee (''ORF'') to Members in the amount of $0.0040 per contract side. The per-contract ORF will be assessed by MIAX to each MIAX Member for all options transactions executed and cleared, or simply cleared, by the Member, that are cleared by OCC in the ''customer'' range, regardless of the exchange on which the transaction occurs. The ORF will be collected indirectly from Members through their clearing firms by OCC on behalf of MIAX.

The ORF also will be charged for transactions that are not executed by a Member but are ultimately cleared by a Member. In the case where a non-Member executes a transaction and a Member clears the transaction, the ORF will be assessed to the Member who clears the transaction. In the case where a Member executes a transaction and another Member clears the transaction, the ORF will be assessed to the Member who clears the transaction. As a practical matter, it is not feasible or reasonable for the Exchange (or any SRO) to identify each executing member that submits an order on a trade-by-trade basis. There are countless executing market participants, and each day such participants can and often do drop their connection to one market center and establish themselves as participants on another. It is virtually impossible for any exchange to identify, and thus assess fees such as an ORF on, each executing participant on a given trading day.

Clearing members, however, are distinguished from executing participants because they remain identified to the Exchange regardless of the identity of the initiating executing participant, their location, and the market center on which they execute transactions. Therefore, the Exchange believes it is more efficient for the operation of the Exchange and for the marketplace as a whole to assess the ORF to clearing members.

The Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC.

The Exchange believes that its broad regulatory responsibilities with respect to a Member's' [sic] activities supports applying the ORF to transactions cleared but not executed by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member executes a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activities, including performing surveillance for position limit violations, manipulation, front-running, contrary exercise advice violations and insider trading. These activities span across multiple exchanges.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Members' customer options business, including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs. The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have been allocated to the Chicago Board Options Exchange, LLC (''CBOE'') under a 17d–2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange expects to monitor MIAX regulatory costs and revenues at a minimum on an annual basis. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the ORF via regulatory circular.

The Exchange believes it is reasonable and appropriate for the Exchange to charge the ORF for options transactions regardless of the exchange on which the transactions occur. The Exchange has a statutory obligation to enforce compliance by Members and their associated persons under the Act and the rules of the Exchange and to surveil for other manipulative conduct by market participants (including non-Members) trading on the Exchange. The Exchange cannot effectively surveil for such conduct without looking at and evaluating activity across all options markets. Many of the Exchange's market surveillance programs require the Exchange to look at and evaluate activity across all options markets, such as surveillance for position limit violations, manipulation, front-running and contrary exercise advice violations/expiring exercise declarations. Also, the Exchange and the other options exchanges are required to populate a consolidated options audit trail (''COATS'') [17] system in order to surveil a Member's activities across markets.

In addition to its own surveillance programs, the Exchange works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in the Intermarket Surveillance Group (''ISG''),[18] the Exchange shares

[13] *See* Preamble to PHLX Pricing Schedule.

[14] *See, e.g.,* PHLX Pricing Schedule, and NYSE Amex Fee Schedule.

[15] *Id.*

[16] 15 U.S.C. 78f(b)(4).

[17] COATS effectively enhances intermarket options surveillance by enabling the options exchanges to reconstruct the market promptly to effectively surveil certain rules.

[18] ISG is an industry organization formed in 1983 to coordinate intermarket surveillance among the SROs by co-operatively sharing regulatory information pursuant to a written agreement between the parties. The goal of the ISG's information sharing is to coordinate regulatory

Continued

information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. The Exchange's participation in ISG helps it to satisfy the requirement that it has coordinated surveillance with markets on which security futures are traded and markets on which any security underlying security futures are traded to detect manipulation and insider trading.[19]

The Exchange believes that charging the ORF across markets will avoid having Members direct their trades to other markets in order to avoid the fee and to thereby avoid paying for their fair share for regulation. If the ORF did not apply to activity across markets then a Member would send their orders to the least cost, least regulated exchange. Other exchanges do impose a similar fee on their member's activity, including the activity of those members on MIAX.[20]

The Exchange notes that there is established precedent for an SRO charging a fee across markets, namely, FINRAs Trading Activity Fee[21] and the NYSE Amex, NYSE Arca, CBOE, PHLX, ISE and BOX ORF. While the Exchange does not have all the same regulatory responsibilities as FINRA, the Exchange believes that, like other exchanges that have adopted an ORF, its broad regulatory responsibilities with respect to a Member's activities, irrespective of where their transactions take place, supports a regulatory fee applicable to transactions on other markets. Unlike FINRA's Trading Activity Fee, the ORF would apply only to a Member's customer options transactions.

The ORF will be effective on and after January 2, 2013.

In addition to the above changes, the Exchange is proposing technical numbering amendments to account for the insertion of new footnotes in the Fee Schedule.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[22] in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5) of the Act[23] in particular, in that it is an equitable allocation of reasonable fees and other charges.

Transaction Fees

The Exchange believes the fees proposed for transactions on MIAX are reasonable. MIAX operates within a highly competitive market in which market participants can readily send order flow to any of ten other competing venues if, among other things, they deem fees at a particular venue to be unreasonable or excessive. The proposed fee structure is intended to attract order flow to MIAX by offering market participants incentives to submit their orders to MIAX.

The Exchange believes it is equitable and not unfairly discriminatory for MIAX Market Makers to be assessed different Transaction Fees based on the category of Market Maker being assessed—that is, Primary Lead Market Maker (''PLMM''), Lead Market Maker (''LMM'') and Registered Market Maker (''RMM''). In accordance with MIAX rules, PLMMs have a higher level of obligations and greater capital requirements than LMMs and RMMs, and LMMs have a higher level of obligations and greater capital requirements than RMMs. The transaction fees assessed to each type of Market Maker reflect these differences in obligations and capital requirements—PLMMs pay lower fees than LMMs and RMMs, and LMMs pay lower fees than RMMs. MIAX believes that this tiered fee structure provides incentives for Market Makers to undertake a higher level of obligation, which should result in more Market Makers providing a higher level of continuous quoting and a greater volume of liquidity.

MIAX believes the proposed Transaction Fees assessed to Market Makers are reasonable because they are comparable to transaction fees charged by other options exchanges, and in most cases, fall within the range of transaction fees charged by other options exchanges.

The Exchange believes that its proposed Transaction Fees are equitable and not unfairly discriminatory because they are available to all Market Makers and are reasonably related to the value to the Exchange that comes with higher market quality and higher levels of liquidity in the price and volume discovery processes. Such increased liquidity at the Exchange should allow it to spread its administrative and infrastructure costs over a greater number of transactions leading to lower costs per transaction.

The Exchange believes it is equitable and not unfairly discriminatory for MIAX Market Makers to have generally lower fees than other professional market participants (referred to as non-Priority Customers, Non-Member Broker-Dealers, non-MIAX Market Makers, Voluntary Professionals, and Firms in the Fee Schedule). Market Makers have obligations that other professional market participants do not. In particular, they must maintain continuous two-sided markets in the classes in which they are appointed, and must meet certain minimum quoting requirements. Therefore, the Exchange believes it is appropriate that Market Makers be assessed lower transaction fees since they provide greater volumes of liquidity to the market. In addition, MIAX believes the proposed fees charged to Market Makers and other professional market participants are reasonable because they are, as detailed in the Purpose section above, comparable to fees that such accounts are assessed at other competing exchanges.

The Exchange believes it is equitable and not unfairly discriminatory to assess discounted Transaction Fees to PLMMs and LMMs for orders that are directed to them. A Directed LMM or Directed PLMM that enters into a directed order arrangement with an order flow provider typically expends substantial time and financial resources in seeking out and entering into such an agreement. The $0.02 discount, which is applied equally to the base per-contract rate of an LMM and a PLMM, is in recognition of the effort on the part of Directed LMMs and Directed PLMMs to attract directed order flow to the Exchange.

The Exchange believes that it is equitable and not unfairly discriminatory not to assess a per-contract Transaction Fee to an EEM that enters an order that is executed for the account of a Priority Customer, while assessing a Transaction Fee to an EEM that enters an order that is executed for the account of specified other participants. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants on MIAX whose behavior is substantially similar to that of professionals, including non-Priority Customers, Non-Member Broker-Dealers, non-MIAX Market Makers, Voluntary Professionals, and Firms,

efforts to address potential intermarket trading abuses and manipulations.

[19] *See* Section 6(h)(3)(I) of the Act.

[20] Similar regulatory fees have been instituted by PHLX (*See* Securities Exchange Act Release No. 61133 (December 9, 2009), 74 FR 66715 (December 16, 2009) (SR–Phlx–2009–100)); and ISE (*See* Securities Exchange Act Release No. 61154 (December 11, 2009), 74 FR 67278 (December 18, 2009) (SR–ISE–2009–105)).

[21] *See* Securities Exchange Act Release No. 47946 (May 30, 2003), 68 FR 3402 (June 6, 2003).

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(4) and (5).

who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers.

The Exchange believes that it is equitable and not unfairly discriminatory to assess lower Transaction Fees to EEMs that submit orders for the account(s) of Firms and for Public Customers that are not Priority Customers than for orders for the account(s) of non-MIAX Market Makers. Market makers that are not MIAX Members do not have the same quoting or financial obligations as MIAX Market Makers; the Exchange believes that these obligations entitle MIAX Market Makers to lower transaction fees than non-MIAX market makers, who do not have the same obligations.

The Exchange further believes that, because there is precedent to treat non-Member Broker-Dealers (who are neither OCC members nor members of another options exchange) differently from Firms and non-Priority Customers respecting transaction fees, such differentiation is not unfairly discriminatory. This differentiation is already made on PHLX and on NYSE Amex, and the MIAX's proposal to differentiate among these participants in the same manner as those other options exchanges therefore raises no new regulatory issues. The instant MIAX proposal is therefore an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities, and is not unfairly discriminatory, consistent with Section (6)(b)(4) of the Act.

ORF

The Exchange believes the ORF is equitable and not unfairly discriminatory because it is objectively allocated to Members in that it is charged to all Members on all their transactions that clear as customer at the OCC. Moreover, the Exchange believes the ORF ensures fairness by assessing fees to those Members that are directly based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (e.g., Member proprietary transactions) of its regulatory program.

The ORF is designed to recover a material portion of the costs of supervising and regulating Members' customer options business including performing routine surveillances, investigations, examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities. The Exchange will monitor, on at least an annual basis the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange will notify Members of adjustments to the ORF via regulatory circular.

The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the initial level of the fee is reasonable.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Unilateral action by MIAX in establishing fees for services provided to its Members and others using its facilities will not have an impact on competition. As a new entrant in the already highly competitive environment for equity options trading, MIAX does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Act. MIAX's proposed Transaction Fees and the ORF, as described herein, are comparable to fees charged by other options exchanges for the same or similar services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[24] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2013–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2013–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for

[24] 15 U.S.C. 78s(b)(3)(A)(ii).

inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–MIAX–2013–01 and should be submitted on or before February 19, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. [25]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–01841 Filed 1–28–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68709; File No. SR–NYSE–2013–04]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Rule 107C To Allow Retail Liquidity Providers To Enter Retail Price Improvement Orders in a Non-RLP Capacity for Securities to Which the RLP Is Not Assigned

January 23, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that January 14, 2013, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Rule 107C to clarify that Retail Liquidity Providers (''RLPs'') may enter Retail Price Improvement Orders (''RPIs'') in a non-RLP capacity for securities to which the RLP is not assigned. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing an amendment to Rule 107C to clarify that RLPs may enter RPIs in a non-RLP capacity for securities to which the RLP is not assigned.

Under current Rule 107C, a member organization that is registered as an RLP must submit RPIs for securities that are assigned to the RLP, with an RPI being required to be priced better than the PBBO by at least $0.001 per share. For each assigned securities, an RLP must maintain RPIs that are better than the PBBO at least 5% of the trading day. If an RLP fails to meet this 5% quoting requirement in any assigned security for three consecutive months, the Exchange may: (1) Revoke the assignment of any or all of the affected securities; (2) revoke the assignment of unaffected securities; or (3) disqualify the member organization to serve as a Retail Liquidity Provider. Under the Retail Liquidity Program, member organizations that are not RLPs are permitted to interact with Retail Orders within the Program by also submitting RPIs. Member organizations are not eligible for the lower execution fees available to RLPs who satisfy their quoting requirements.

The Exchange is proposing to amend Rule 107C to clarify that RLPs may act in a non-RLP capacity for those securities to which it is not assigned, and as a result, may submit RPIs for those securities. For securities to which it is not assigned, the RLP would not be required to satisfy the quoting requirements found in NYSE Rule 107C(f), but would also not be eligible for the lower execution fees available to RLPs submitting RPIs for assigned securities.[3] For assigned securities, the RLP would still be subject to the quoting requirements found in NYSE Rule 107C(f), and failure to meet those requirements could still result in the actions found in NYSE Rule 107C(g).

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(5),[5] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes the change proposed herein meets these requirements because it permits member organizations who have taken on the extra requirements of being an RLP in its assigned securities to still participate in the Program with other member organizations for those securities to which it is not assigned, which promotes just and equitable principles of trade. Without such permission, an RLP would be effectively penalized for taking on the responsibilities of becoming an RLP in assigned securities by not being permitted to participate in the program in securities to which it is not assigned. The proposed rule change would rectify this disparate treatment between RLPs and non-RLP member organizations in non-assigned securities. Additionally, the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will allow RLPs to submit RPIs in both its assigned and non-assigned securities, thus creating a larger pool of liquidity for Retail Orders to interact with and stimulating further price competition for retail orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the amendment, by increasing the level of participation

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Currently, RLPs who satisfy the applicable percentage requirement of Rule 107C are not charged a fee per share per execution of RPIs against a Retail Order. Non-RLP member organizations, unless they execute an average daily volume during the month of at least 500,000 shares of RPIs, would be charged a fee per share per execution of RPIs against Retail Orders of $0.0003.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

in the program, will increase the level of competition around executions such that retail investors would receive better prices than they currently do on the Exchange and potentially through bilateral internalization arrangements. The Exchange believes that the transparency and competitiveness of operating a program such as the Retail Liquidity Program on an exchange market would result in better prices for retail investors, and benefits retail investors by expanding the capabilities of Exchanges to encompass practices currently allowed on non-Exchange venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative prior to 30 days after the date of the filing.[9] However, pursuant to Rule 19b4(f)(6)(iii),[10] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The proposal would explicitly state that RLPs could submit RPIs in non-assigned securities, which should allow retail orders additional opportunities to receive price improvement. Therefore, the Commission designates the proposed rule change as operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2013–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2013–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2013–04 and should be submitted on or before February 19, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–01839 Filed 1–28–13; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6).

[9] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68708; File No. SR–NYSEArca–2012–131]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change Relating to Listing and Trading of Shares of the Horizons S&P 500 Covered Call ETF, Horizons S&P Financial Select Sector Covered Call ETF, and Horizons S&P Energy Select Sector Covered Call ETF Under NYSE Arca Equities Rule 5.2(j)(3)

January 23, 2013.

I. Introduction

On November 21, 2012, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the Horizons S&P 500 Covered Call ETF, Horizons S&P Financial Select Sector Covered Call ETF, and Horizons S&P Energy Select Sector Covered Call ETF (each, a ''Fund,'' and collectively, ''Funds'') under NYSE Arca Equities Rule 5.2(j)(3). The proposed rule change was published in the **Federal Register** on December 10, 2012.[3] The Commission received no comments on the proposal. This order grants approval of the proposed rule change.

II. Description of the Proposal

The Exchange proposes to list and trade the Shares of the Funds under Commentary .01 to NYSE Arca Equities Rule 5.2(j)(3), which governs the listing and trading of Investment Company Units. The Shares will be offered by Exchange Traded Concepts Trust II (''Trust''), which is organized as a Delaware statutory trust and is registered with the Commission as an open-end management investment company.[4] The investment adviser to the Funds is Exchange Traded Concepts, LLC (''Adviser''), and the sub-adviser to the Funds is Horizons ETFs Management (USA) LLC (''Sub-Adviser'').[5] Foreside Fund Services, LLC is the principal underwriter and distributor of the Funds' Shares. Citi Fund Services Ohio, Inc. will serve as administrator for the Funds; Citibank, NA will serve as custodian for the Funds; and Citi Fund Services Ohio, Inc. will serve as transfer agent for the Funds.

As described below, each Fund will seek investment results that, before fees and expenses, generally correspond to the performance of a specified index (each, an ''Underlying Index'') provided by S&P Dow Jones Indices LLC (''Index Provider'').[6] Each Underlying Index is comprised of all the equity securities in one of the S&P 500 Index, S&P Financial Select Sector Index, or S&P Energy Select Sector Index (each, a ''Reference Index'') and short (written) call options on each of the option eligible securities in the relevant Reference Index that meet, among others, stock and option price criteria of the Underlying Index methodology.[7]

The Exchange submitted this proposed rule change because the Underlying Indices for the Funds do not meet all of the ''generic'' listing requirements of Commentary .01(a)(A) to NYSE Arca Equities Rule 5.2(j)(3) applicable to the listing of Investment Company Units based upon an index of ''US Component Stocks.'' [8] Specifically, Commentary .01(a)(A) to NYSE Arca Equities Rule 5.2(j)(3) [9] sets forth the requirements to be met by components of an index or portfolio of US Component Stocks. As described further below, each of the Underlying Indices consists of all the equity securities in one of the Reference Indices and short (written) call options on each of the option eligible securities in the relevant Reference Index that meet, among others, the stock and option price criteria of the Underlying Index methodology. All securities in the Reference Indices are listed and traded on a U.S. national securities exchange and the options on the option eligible securities of companies in the Reference Indices are traded on a U.S. national options exchange. The market value of the call options will not represent more than 10% of the total weight of any of the Underlying Indices. The Exchange has represented that the Underlying Indices meet all requirements of NYSE Arca Equities Rule 5.2(j)(3) and Commentary .01(a)(A) thereto, except that the Underlying Indices include call options, which are not NMS Stocks as defined in Rule 600 of Regulation NMS.[10]

Horizons S&P 500 Covered Call ETF

The Horizons S&P 500 Covered Call ETF will seek investment results that, before fees and expenses, generally correspond to the performance of the Fund's Underlying Index, which is the S&P 500 Stock Covered Call Index. The Fund seeks correlation of 0.95 or better between its performance and the performance of its Underlying Index. A figure of 1.00 would represent perfect correlation. As described below, the Underlying Index is comprised of all the equity securities [11] in the Fund's Reference Index, which is the S&P 500 Index, and short (written) call options on each of the option eligible securities in the Reference Index that meet, among others, the stock and option price criteria of the Underlying Index methodology.[12] The Fund will invest at least 80% of its total assets in securities that comprise its Underlying Index.

The Reference Index for the Fund is a float-adjusted market capitalization weighted index containing equity securities of 500 industrial, information technology, utility, and financial companies amongst other Global Industry Classification Standard (''GICS®'') sectors, regarded as generally representative of the U.S. stock market. A float-adjusted market capitalization weighted index weights each index component according to its market capitalization, using the number of shares that are readily available for purchase on the open market.

The Underlying Index for the Fund measures the performance of a

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 68351 (December 4, 2012), 77 FR 73500 (''Notice'').

[4] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). On September 10, 2012, the Trust filed with the Commission an amendment to its Form N–1A under the Securities Act of 1933 and under the 1940 Act relating to the Funds (File Nos. 333–180871 and 811–22700) (''Registration Statement''). In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. *29065* (December 1, 2009) (File No. 812–13638).

[5] The Adviser is affiliated with a broker-dealer and has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the portfolio holdings of the Funds. The Sub-Adviser is also affiliated with a broker-dealer and has implemented a fire wall with respect to its broker dealer affiliate regarding access to information concerning the portfolio holdings of the Funds. In the event (a) the Adviser or Sub-Adviser becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes affiliated with a broker-dealer, it will implement a fire wall with respect to such broker-dealer regarding access to information concerning the portfolio holdings of the Funds, and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding such portfolios.

[6] Each of the Underlying Indices is provided by the Index Provider, which is unaffiliated with the Funds, the Adviser, or the Sub-Adviser. The Index Provider maintains, calculates, and publishes information regarding each of the Underlying Indices. The Index Provider is not a broker-dealer and is not affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Underlying Indices.

[7] The Underlying Index methodology is available at *www.standardandpoors.com/indices.* The Exchange provides that, as of October 26, 2012, such criteria include, among others, that no call options will be written if the equity security price is less than $10, and no call options will be written at prices below $0.15. The Index Provider may amend the methodology from time to time. In such case, the methodology would be updated accordingly on the Web site.

[8] NYSE Arca Equities Rule 5.2(j)(3) provides that the term ''US Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Exchange Act or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Exchange Act.

[9] Commentary .01(a)(A) to NYSE Arca Equities Rule 5.2(j)(3) states, in part, that the components of an index of US Component Stocks, upon the initial listing of a series of Units pursuant to Rule 19b–4(e) under the Exchange Act shall be NMS Stocks as defined in Rule 600 of Regulation NMS under the Exchange Act. *See* 17 CFR 242.600(b)(47) (defining ''NMS Stock'' as any NMS Security other than an option).

[10] *See id.*

[11] ''Equity securities'' includes all U.S. common equities listed on the Exchange, the New York Stock Exchange, NYSE MKT, the NASDAQ Global Select Market, the NASDAQ Select Market, and the NASDAQ Capital Market. Business development companies and real estate investment trusts (''REITs'') are eligible for inclusion as equity securities, with the exception of mortgage REITs.

[12] *See* note 7, *supra.*

hypothetical portfolio that employs a covered call strategy. It consists of long positions in companies in the Reference Index and out-of-the-money call options [13] that are written (sold) systematically on the option eligible securities of companies in the Reference Index that meet, among others, the stock and option price criteria of the Underlying Index methodology.

The Fund will be an index fund that employs a ''passive management'' investment strategy in seeking to achieve its objective. The Adviser's strategy will consist of holding an equity portfolio indexed to the Reference Index and writing (selling) covered call options on these equity securities, which options will be indexed to the Underlying Index, generally one standard deviation ''out-of-the-money.'' [14] Options are written systematically ''out-of-the-money'' in accordance with the index methodology based on the prevailing individual level of volatility for each of the equity securities. The Underlying Index provides a benchmark measure of the total return of this hypothetical portfolio.

Because a covered call strategy generates income in the form of premiums on the written options, the Underlying Index is generally expected to provide higher total returns with lower volatility than the Reference Index in most market environments, with the exception of when the equity market is rallying rapidly. The options in the Underlying Index will be traded on national securities exchanges. As of August 31, 2012, the Reference Index and Underlying Index included common stocks of 500 companies, 499 of which are option eligible, with a market capitalization range of between approximately $1 billion and $622 billion. As of that date, the Underlying Index also included short (written) call options on 434 option eligible securities of the Reference Index, representing 0.6% of the total weight [15] of the Underlying Index.

The Fund will generally use a replication methodology, meaning it will invest in all of the securities comprising the Underlying Index in proportion to the weightings in the Underlying Index. However, the Fund may from time-to-time utilize a sampling methodology under various circumstances where it may not be possible or practicable to purchase all of the equity securities and write (sell) all of the call options comprising the Underlying Index.

The Fund will concentrate its investments (*i.e.,* hold 25% or more of its total assets) in a particular industry or group of industries to approximately the same extent that the Underlying Index is so concentrated. The Fund will be non-diversified under the 1940 Act and, therefore, may invest a greater percentage of its assets in a particular issue in comparison to a ''diversified'' fund. Moreover, in pursuing its objective, the Fund may hold the securities of a single issuer in an amount exceeding 10% of the outstanding voting securities of the issuer, subject to restrictions imposed by the Internal Revenue Code of 1986, as amended (''Code'').

Horizons S&P Financial Select Sector Covered Call ETF

The Horizons S&P Financial Select Sector Covered Call ETF will seek investment results that, before fees and expenses, generally correspond to the performance of the Fund's Underlying Index, which is the S&P 500 Financial Select Sector Stock Covered Call Index. The Fund seeks correlation of 0.95 or better between its performance and the performance of its Underlying Index. A figure of 1.00 would represent perfect correlation. As described below, the Underlying Index is comprised of all the equity securities [16] in the Fund's Reference Index, which is the S&P Financial Select Sector Index, and short (written) call options on the option eligible securities of companies in the Reference Index that meet, among others, the stock and option price criteria of the Underlying Index methodology.[17] The Fund will invest at least 80% of its total assets in the securities that comprise its Underlying Index.

The Reference Index for the Fund is a rules-based, modified market capitalization weighted index that is designed to track the movements of public companies that are components of the S&P 500 Index and are classified in the GICS® sector, Financials. A modified market capitalization weighted index first weights each index component according to its market capitalization, using the number of shares that are readily available for purchase on the open market, then imposes limits on the weight of individual index components and redistributes any excess weight across the remaining index components. A wide array of diversified financial service firms are featured in this sector with business lines ranging from investment management to commercial and investment banking.

The Underlying Index for the Fund measures the performance of a hypothetical portfolio that employs a covered call strategy. It consists of long positions in companies in the Reference Index and out-of-the-money call options [18] that are written (sold) systematically on the option eligible securities of companies in the Reference Index that meet, among others, the stock and option price criteria of the Underlying Index methodology.

The Fund will be an index fund that employs a ''passive management'' investment strategy in seeking to achieve its objective. The Adviser's strategy will consist of holding an equity portfolio indexed to the Reference Index and writing (selling) covered call options on these equity securities indexed to the Underlying Index, which options will be generally one standard deviation ''out-of-the-money.'' [19] Options are written systematically ''out-of-the-money'' in accordance with the index methodology based on the prevailing individual level of volatility for each of the equity securities. The Underlying Index provides a benchmark measure of the total return of this hypothetical portfolio.

Because a covered call strategy generates income in the form of premiums on the written options, the Underlying Index is generally expected to provide higher total returns with lower volatility than the Reference Index in most market environments, with the exception of when the equity market is rallying rapidly. The options in the Underlying Index will be traded on national securities exchanges. As of August 31, 2012, the Reference Index and Underlying Index included common stocks of 81 companies, of

[13] An ''out-of-the-money'' call option is one in which the exercise (or ''strike'') price of the option is above the market price of the security.

[14] A covered call strategy is generally considered to be an investment strategy in which an investor buys a security, and sells a call option that corresponds to the security. In return for a premium, the Fund will give the purchaser of the option written by the Fund either the right to buy the security from the Fund at an exercise price or the right to receive a cash payment equal to the difference between the value of the security and the exercise (or ''strike'') price, if the value is above the exercise price on or before the expiration date of the option. In addition, the covered call options hedge against a decline in the price of the securities on which they are written to the extent of the premium the Fund receives. A covered call strategy is generally used in a neutral-to-bullish market environment, where a slow and steady rise in market prices is anticipated.

[15] This calculation is based on the absolute value of the short call option position which has a negative mark-to-market value.

[16] *See* note 11, *supra.*

[17] *See* note 7, *supra.*

[18] *See* note 13, *supra.*

[19] *See* note 14, *supra.*

which all 81 are option eligible, with a market capitalization range of between approximately $2 billion and $181 billion. As of that date, the Underlying Index also included short (written) call options on 65 option eligible securities of the Reference Index, representing 0.7% of the total weight [20] of the Underlying Index.

The Fund will generally use a replication methodology, meaning it will invest in all of the securities comprising the Underlying Index in proportion to the weightings in the Underlying Index. However, the Fund may from time-to-time utilize a sampling methodology under various circumstances where it may not be possible or practicable to purchase all of the equity securities and write (sell) all of the call options comprising the Underlying Index.

The Fund will concentrate its investments (*i.e.,* hold 25% or more of its total assets) in a particular industry or group of industries to approximately the same extent that the Underlying Index is so concentrated. The Fund will be non-diversified under the 1940 Act and, therefore, may invest a greater percentage of its assets in a particular issue in comparison to a ''diversified'' fund. Moreover, in pursuing its objective, the Fund may hold the securities of a single issuer in an amount exceeding 10% of the outstanding voting securities of the issuer, subject to restrictions imposed by the Code.

Horizons S&P Energy Select Sector Covered Call ETF

The Horizons S&P Energy Select Sector Covered Call ETF will seek investment results that, before fees and expenses, generally correspond to the performance of the Fund's Underlying Index, which is the S&P 500 Energy Select Sector Stock Covered Call Index. The Fund seeks correlation of 0.95 or better between its performance and the performance of its Underlying Index. A figure of 1.00 would represent perfect correlation. As described below, the Underlying Index is comprised of all the equity securities [21] in the Fund's Reference Index, which is the S&P Energy Select Sector Index, and short (written) call options on the option eligible securities of companies in the Reference Index that meet, among others, the stock and option price criteria of the Underlying Index methodology.[22] The Fund will invest at least 80% of its total assets in the securities that comprise its Underlying Index.

The Reference Index for the Fund is a rules-based, modified market capitalization weighted index that is designed to track the movements of public companies that are components of the S&P 500 Index and are classified in the GICS® sector, Energy. A modified market capitalization weighted index first weights each index component according to its market capitalization, using the number of shares that are readily available for purchase on the open market, then imposes limits on the weight of individual index components and redistributes any excess weight across the remaining index components. Energy companies in this sector primarily develop and produce crude oil and natural gas, and provide drilling and other energy-related services.

The Underlying Index for the Fund measures the performance of a hypothetical portfolio that employs a covered call strategy. It consists of long positions in companies in the Reference Index and out-of-the-money call options [23] that are written (sold) systematically on the option eligible securities of companies in the Reference Index that meet, among others, the stock and option price criteria of the Underlying Index methodology.

The Fund will be an index fund that employs a ''passive management'' investment strategy in seeking to achieve its objective. The Adviser's strategy will consist of holding an equity portfolio indexed to the Reference Index and writing (selling) covered call options on these equity securities, which options will be indexed to the Underlying Index, generally one standard deviation ''out-of-the-money.'' [24] Options are written systematically ''out-of-the-money'' in accordance with the index methodology based on the prevailing individual level of volatility for each of the equity securities. The Underlying Index provides a benchmark measure of the total return of this hypothetical portfolio.

Because a covered call strategy generates income in the form of premiums on the written options, the Underlying Index is generally expected to provide higher total returns with lower volatility than the Reference Index in most market environments, with the exception of when the equity market is rallying rapidly. The options in the Underlying Index will be traded on national securities exchanges. As of August 31, 2012, the Reference Index and Underlying Index included common stocks of 45 companies, of which all 45 are option eligible, with a market capitalization range of between approximately $1 billion and $276 billion. As of that date, the Underlying Index also included short (written) call options on 42 option eligible securities of the Reference Index, representing 0.6% of the total weight [25] of the Underlying Index.

The Fund generally will use a replication methodology, meaning it will invest in all of the securities comprising the Underlying Index in proportion to the weightings in the Underlying Index. However, the Fund may from time to time utilize a sampling methodology under various circumstances where it may not be possible or practicable to purchase all of the equity securities and write (sell) all of the call options comprising the Underlying Index.

The Fund will concentrate its investments (*i.e.,* hold 25% or more of its total assets) in a particular industry or group of industries to approximately the same extent that the Underlying Index is so concentrated. The Fund will be non-diversified under the 1940 Act and, therefore, may invest a greater percentage of its assets in a particular issue in comparison to a ''diversified'' fund. Moreover, in pursuing its objective, the Fund may hold the securities of a single issuer in an amount exceeding 10% of the outstanding voting securities of the issuer, subject to restrictions imposed by the Code.

Investment Guidelines

Each Fund will write (sell) call options on the option eligible securities of companies in its Reference Index to the same extent as such short call options are included in its Underlying Index. The Funds will utilize options in accordance with Rule 4.5 of the Commodity Exchange Act (''CEA''). The Trust, on behalf of the Funds, has filed a notice of eligibility for exclusion from the definition of the term ''commodity pool operator'' in accordance with Rule 4.5 so that the Funds are not subject to registration or regulation as a commodity pool operator under the CEA.

Other Investments

Each Fund may invest in short-term instruments, including money market instruments, on an ongoing basis to provide liquidity for cash equitization, funding, or under abnormal market conditions. Money market instruments

[20] *See* note 15, *supra.*

[21] *See* note 11, *supra.*

[22] *See* note 7, *supra.*

[23] *See* note 13, *supra.*

[24] *See* note 14, *supra.*

[25] *See* note 15, *supra.*

are generally short-term investments that may include but are not limited to: (i) Shares of money market funds; (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit, bankers' acceptances, fixed time deposits, and other obligations of U.S. and foreign banks (including foreign branches) and similar institutions; (iv) commercial paper rated at the date of purchase ''Prime-1'' by Moody's or ''A–1'' by S&P, or if unrated, of comparable quality as determined by the Sub-Adviser; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; and (vi) short-term U.S. dollar-denominated obligations of foreign banks (including U.S. branches) that, in the opinion of the Sub-Adviser, are of comparable quality to obligations of U.S. banks which may be purchased by a Fund. Any of these instruments may be purchased on a current or a forward-settled basis.

Each Fund may invest in the securities of other investment companies, subject to applicable limitations under Section 12(d)(1) of the 1940 Act.

A Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A Securities. The Funds will monitor their portfolio liquidity on an ongoing basis to determine whether, in the light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid securities and other illiquid assets.

Each Fund will seek to qualify for treatment as a regulated investment company under the Code.

Additional information regarding the Trust, the Funds, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions, and taxes, among other things, is included in the Notice and Registration Statement, as applicable.[26]

[26] *See* Notice and Registration Statement, *supra* notes 3 and 4.

III. Discussion and Commission's Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of Section 6 of the Act[27] and the rules and regulations thereunder applicable to a national securities exchange.[28] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[29] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Funds and the Shares must comply with the applicable requirements of NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2) to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[30] which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last-sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. The intra-day, closing, and settlement prices of the portfolio securities held by the Funds will be readily available from the securities exchanges trading such securities, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. The value of each Underlying Index will be widely disseminated by one or more major market data vendors at least every 15 seconds during the NYSE Arca Core Trading Session (9:30 a.m. to 4:00 p.m., Eastern Time), and information regarding the components of each Reference Index and Underlying Index and their percentage weightings will be available from the Index Provider and major market data vendors. In addition, quotation and last-sale information for the components of the Underlying Indices and Reference Indices will be available from the exchanges on which they trade. An indicative optimized portfolio value (''IOPV'') for the Shares for each Fund will be widely disseminated at least every 15 seconds during the NYSE Arca Core Trading Session by one or more major market data vendors.[31] On each business day, prior to commencement of trading of the Shares in the Core Trading Session on the Exchange, the Funds will disclose on their Web site the securities and financial instruments in each Fund's portfolio that will form the basis for each Fund's calculation of net asset value (''NAV'') at the end of the business day.[32] Each Fund's NAV will be determined as of the close of the New York Stock Exchange (''NYSE'') (normally 4:00 p.m., Eastern Time) on each day the NYSE is open for trading. Each Fund, through the National Securities Clearing Corporation, will make publicly available on each business day, prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern Time), a basket composition file for each Fund, which includes the security names and share quantities required to be delivered in exchange for that Fund's Shares, together with estimates and actual cash components, which basket will represent one Creation Unit of the relevant Fund.[33] Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and information regarding the previous day's closing price and trading volume for the Shares will be published daily in the financial section of newspapers. The Adviser's

[27] 15 U.S.C. 78f.

[28] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[29] 15 U.S.C. 78f(b)(5).

[30] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[31] *See* NYSE Arca Equities Rule 5.2(j)(3), Commentaries .01(b)(2) and .01(c). According to the Exchange, several major market data vendors widely disseminate IOPVs taken from the CTA or other data feeds. *See* Notice, *supra* note 3, at 73505.

[32] On a daily basis, each Fund will disclose for each portfolio security and other financial instrument of the Fund the following information on the Funds' Web site: ticker symbol (if applicable), name of securities and financial instruments, number of shares or dollar value of securities and financial instruments held in the portfolio, and percentage weighting of the securities and financial instruments in the portfolio. The Web site information will be publicly available at no charge.

[33] A Creation Unit of each Fund will consist of at least 50,000 Shares, and will be issued and redeemed for securities in which the Fund invests, cash, or both securities and cash.

Web site will also include a form of the prospectus for the Funds, information relating to NAV (updated daily), and other quantitative and trading information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and will be made available to all market participants at the same time.[34] If the IOPV or the relevant Underlying Index value of a Fund is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs. If the interruption to the dissemination of the applicable IOPV or Underlying Index value persists past the trading day in which it occurred, the Exchange will halt trading.[35] In addition, if the Exchange becomes aware that the NAV of a Fund is not being disseminated to all market participants at the same time, it will halt trading in the Shares of such Fund on the Exchange until such time as the NAV is available to all market participants. The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange states that the Adviser and the Sub-Adviser are affiliated with broker-dealers and have implemented a fire wall with respect to their respective broker-dealer affiliates regarding access to information concerning the portfolio holdings of the Funds.[36] The Exchange further states that the Index Provider is neither a broker-dealer nor affiliated with a broker-dealer, and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Underlying Indices. The Commission notes that the Exchange would be able to obtain information with respect to the equity securities and options comprising the Underlying Indices and which will be held by the Funds because such equity securities and options will be listed and traded on U.S. national securities exchanges, all of which are members of the Intermarket Surveillance Group (''ISG'').

The Exchange represents that the Shares are deemed to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The continued listing standards under NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2) applicable to Investment Company Units shall apply to the Shares.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) The Exchange's surveillance procedures applicable to derivative products, which include Investment Company Units, are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. All equity securities and options comprising the Underlying Indices are listed and traded on U.S. exchanges, which are members of ISG.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders (''ETP Holders'') in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (d) how information regarding the IOPV is disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) The market value of the call options included in each Underlying Index will not represent more than 10% of the total weight of each Underlying Index. Each call option included in each Underlying Index must meet the criteria of the Underlying Index methodology, which methodology is publicly available.

(6) Each Fund seeks a correlation over time of 0.95 or better between the Fund's performance and the performance of its Underlying Index. A figure of 1.00 would represent perfect correlation.

(7) A Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities.

(8) Each Fund will invest at least 80% of its total assets in securities that comprise its applicable Underlying Index.

(9) A minimum of 100,000 Shares for each Fund will be outstanding as of the start of trading on the Exchange.

(10) For initial and continued listing, each Fund will be in compliance with Rule 10A–3 under the Act,[37] as provided by NYSE Arca Equities Rule 5.3.

The Exchange further represents that the Funds and the Shares will comply with all other requirements applicable to Investment Company Units including, but not limited to, requirements relating to the dissemination of key information such as the value of the Underlying Indices, IOPV, and NAV, rules governing the trading of equity securities, trading hours, trading halts, surveillance, information barriers, and Information Bulletin to ETP Holders (each as described in more detail herein and in the Notice), as set forth in Exchange rules applicable to Investment Company

[34] *See* NYSE Arca Equities Rule 5.2(j)(3)(A)(v).

[35] With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of a Fund. Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading is not occurring in the securities and/or the financial instruments comprising the relevant Fund's portfolio; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

[36] *See* notes 5 and 6, *supra.* The Commission also notes that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Adviser and Sub-Adviser and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) Adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[37] 17 CFR 240.10A–3.

Units and prior Commission orders approving the listing rules applicable to the listing and trading of Investment Company Units. This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice, and the Exchange's description of the Funds.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act [38] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[39] that the proposed rule change (SR–NYSEArca2012–131) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–01811 Filed 1–28–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Trading; In the Matter of Medis Technologies Ltd., Modern Medical Modalities Corp., National Datacomputer, Inc., New Media Lottery Services, Inc., Sino-Bon Entertainment, Inc., Tamir Biotechnology, Inc., and Techmedia Advertising, Inc.,

January 25, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Medis Technologies Ltd. because it has not filed any periodic reports since the period ended June 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Modern Medical Modalities Corp. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of National Datacomputer, Inc. because it has not filed any periodic reports since the period ended December 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of New Media Lottery Services, Inc. because it has not filed any periodic reports since the period ended April 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sino-Bon Entertainment, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Tamir Biotechnology, Inc. because it has not filed any periodic reports since the period ended January 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Techmedia Advertising, Inc. because it has not filed any periodic reports since the period ended April 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 25, 2013, through 11:59 p.m. EST on February 7, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–01962 Filed 1–25–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Largo Vista Group, Ltd., Montavo, Inc., OBN Holdings, Inc., PrepaYd, Inc., Ready Welder Corp., and Snowdon Resources Corp.; Order of Suspension of Trading

January 25, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Largo Vista Group, Ltd. because it has not filed any periodic reports since the period ended September 30, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Montavo, Inc. because it has not filed any periodic reports since the period ended June 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of OBN Holdings, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of PrepaYd, Inc. because it has not filed any periodic reports since the period ended December 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Ready Welder Corp. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Snowdon Resources Corp. because it has not filed any periodic reports since the period ended January 31, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 25, 2013, through 11:59 p.m. EST on February 7, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–01964 Filed 1–25–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Trading; In the Matter of Law Enforcement Associates Corp., Matrixx Resource Holdings, Inc., Mortgage Assistance Center Corp., Sino Shipping Holdings, Inc., Sonnen Corp., Superior Oil & Gas Co., Tekoil & Gas Corp., Trend Mining Co., and Unico, Inc.

January 25, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information

[38] 15 U.S.C. 78f(b)(5).

[39] 15 U.S.C. 78s(b)(2).

[40] 17 CFR 200.30–3(a)(12).

concerning the securities of Law Enforcement Associates Corp. because it has not filed any periodic reports since the period ended March 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Matrixx Resource Holdings, Inc. because it has not filed any periodic reports since the period ended March 31, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Mortgage Assistance Center Corp. because it has not filed any periodic reports since the period ended March 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sino Shipping Holdings, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sonnen Corp. because it has not filed any periodic reports since the period ended March 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Superior Oil & Gas Co. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Tekoil & Gas Corp. because it has not filed any periodic reports since the period ended September 30, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Trend Mining Co. because it has not filed any periodic reports since the period ended June 30, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Unico, Inc. because it has not filed any periodic reports since the period ended May 31, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on January 25, 2013, through 11:59 p.m. EST on February 7, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–01963 Filed 1–25–13; 11:15 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2013–0001]

Public Availability of Social Security Administration Fiscal Year (FY) 2012 Service Contract Inventory

AGENCY: Social Security Administration.

ACTION: Notice of Public Availability of FY 2012 Service Contract Inventories.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), we are publishing this notice to advise the public of the availability of the FY 2012 Service Contract inventory. This inventory provides information on FY 2012 service contract actions over $25,000. We organized the information by function to show how contracted resources are distributed throughout the agency. We developed the inventory in accordance with guidance issued on November 5, 2010 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.* You can access the inventory and summary of the inventory on our homepage at the following link: *http://www.socialsecurity.gov/sci.*

FOR FURTHER INFORMATION CONTACT: Paul Martin, Executive Officer, Office of Budget, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401. Phone (410) 965–0387, email *Paul.J.Martin@ssa.gov.*

Dated: January 18, 2013.

Michael G. Gallagher,

Deputy Commissioner for Budget, Finance and Management.

[FR Doc. 2013–01826 Filed 1–28–13; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2012–0071]

Social Security Ruling, SSR 13–1p; Titles II and XVI: Agency Processes for Addressing Allegations of Unfairness, Prejudice, Partiality, Bias, Misconduct, or Discrimination by Administrative Law Judges (ALJs)

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: In accordance with 20 CFR 402.35(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling, SSR–13–Xp. This Ruling explains the three separate vehicles we have for addressing complaints of unfairness, prejudice, partiality, bias, misconduct, or discrimination by an administrative law judge (ALJ). First, the Ruling describes the procedures that the Office of Disability Adjudication and Review's (ODAR) Appeals Council follows when it receives such allegations in the context of claim adjudication. Next, the Ruling describes how ODAR's Division of Quality Service reviews or investigates such complaints outside of the claim adjudication process to determine whether ODAR should take any administrative or disciplinary action with respect to the ALJ. Finally, the Ruling describes how the public may file with us complaints of discrimination based on race, color, national origin (including English language ability), religion, sex, sexual orientation, age, disability, or in retaliation for having previously filed a civil rights complaint against the agency. This Ruling supersedes our prior Notice of Procedures: Social Security Administration Procedures Concerning Allegations of Bias or Misconduct by Administrative Law Judges, 57 FR 49186 (October 30, 1992).

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: Rainbow Forbes, Appeals Officer, Office of Disability Adjudication and Review, 5107 Leesburg Pike, Suite 1400, Falls Church, VA 22041, 703–605–7100.

SUPPLEMENTARY INFORMATION: Although we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this SSR in accordance with 20 CFR 402.35(b)(1).

Through SSRs, we make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, special veterans benefits, and black lung benefits programs. SSRs may be based on determinations or decisions made at all

levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

Although SSRs do not have the same force and effect as statutes or regulations, they are binding on all of our components. 20 CFR 402.35(b)(1).

This SSR will be in effect until we publish a notice in the **Federal Register** that rescinds it, or publish a new SSR that replaces or modifies it.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006—Supplemental Security Income)

Dated: January 23, 2013.

Michael J. Astrue,

Commissioner of Social Security.

Policy Interpretation Ruling

Titles II and XVI: Agency Processes for Addressing Allegations of Unfairness, Prejudice, Partiality, Bias, Misconduct, or Discrimination by Administrative Law Judges (ALJs).

Purpose: This Ruling clarifies the three separate processes we have for addressing allegations of unfairness, prejudice, partiality, bias, misconduct, or discrimination by an ALJ.

Citations (Authority): Sections 205(b), 809(a), and 1631(c) of the Social Security Act, as amended; Regulations No. 4, subpart J, sections 404.940, 404.967, 404.969, and 404.970, Regulations No. 5, subpart A, sections 405.25 and 405.30, and Regulations No. 16, subpart P, sections 416.1440, 416.1440, 416.1467, 416.1469, and 416.1470.

Background: Statements and actions by our adjudicators that display unfairness, prejudice, partiality, bias, misconduct, or discrimination undermine public trust and confidence in our administrative process. Our ALJs perform an essential role in ensuring that our administrative process is fair to claimants by conducting *de novo,* informal, non-adversarial hearings and issuing decisions for claimants who are dissatisfied with our determinations in claims arising under the Social Security Act. All adjudicators, including our ALJs, must fulfill their duties with fairness and impartiality. We have three separate processes to guard against unfairness in our hearing process: (1) The Appeals Council review process, under which we review hearing decisions in accordance with 20 CFR 404.969, 404.970, 416.1469 and 416.1470, to ensure that ALJs fairly and impartially consider claims for benefits; (2) the Division of Quality Service's ALJ complaint investigation process; and (3) the civil rights investigation process for allegations of discrimination involving unfairness, prejudice, partiality, or bias based on race, color, national origin (including English language ability), religion, sex, sexual orientation, age, disability, or in retaliation for having previously filed a civil rights complaint. These three processes operate separately from one another and have different focuses. Claimants, parties, and the public may avail themselves of any or all three of the processes, as applicable, and all three processes may occur concurrently.

In this Ruling, we explain these three different processes and emphasize that:

1. The Appeals Council has authority under 20 CFR 404.970 and 416.1470 to act when a party is dissatisfied with a hearing decision or dismissal of a hearing request. Even when a party does not request review, the Appeals Council may initiate review under 20 CFR 404.969 and 416.1469. The Appeals Council considers allegations of unfairness, prejudice, partiality, or bias by ALJs under the standards for review in 20 CFR 404.970 and 416.1470. The Appeals Council may also consider objections from a party stating why a new hearing should be held before another ALJ pursuant to 20 CFR 404.940 and 416.1440. In evaluating such allegations, the Appeals Council considers only the evidence contained in the claimant's administrative record. The Appeals Council's process is the only process set forth herein that allows a claimant to obtain a remedy on the claim for benefits.

2. The Division of Quality Service may review and, if warranted, investigate any complaints against an ALJ, including allegations of unfairness, prejudice, partiality, bias, or misconduct. Under this process, the Division of Quality Service evaluates allegations to determine whether it is necessary to recommend administrative or disciplinary action against an ALJ.

3. Individuals who allege discrimination based on their race, color, national origin (including English language ability), religion, sex, sexual orientation, age, disability, or in retaliation for having previously filed a civil rights complaint, may also file a separate discrimination complaint with us using our civil rights complaint process.

Policy Interpretation

Allegations of Unfairness, Prejudice, Partiality, Bias, or Misconduct Evaluated in the Appeals Council Claims Review Process

The ALJ's decision is subject to Appeals Council review under 20 CFR 404.970 and 416.1470 if the claimant or other party or his or her representative timely requests review of the ALJ's decision. The Appeals Council may also review the ALJ's decision on its own motion under 20 CFR 404.969 and 416.1469.

The Appeals Council will grant a party's request for review and issue a decision or remand a case when:

- There appears to be an abuse of discretion by the ALJ;
- There is an error of law;
- The action, findings or conclusions of the ALJ are not supported by substantial evidence;
- There is a broad policy or procedural issue that may affect the general public interest; or
- There is new and material evidence submitted that relates to the period on or before the ALJ's hearing decision, and review of the case shows that the ALJ's actions, findings or conclusions are contrary to the weight of the evidence currently of record.

Under our regulations, an ALJ must not conduct a hearing if he or she is prejudiced or partial with respect to any party or has any interest in the matter pending for decision. A claimant or other party to the hearing who objects to the ALJ who will conduct the hearing must notify the ALJ at his or her earliest opportunity. The ALJ will then decide whether to proceed with the hearing or to withdraw. If the ALJ does not withdraw, the claimant or other party to the hearing may, after the hearing, present objections to the Appeals Council as to reasons why the hearing decision should be revised or a new hearing should be held before another ALJ.

If, in conjunction with a request for review, the Appeals Council receives an allegation of ALJ unfairness, prejudice, partiality, or bias, the Appeals Council will review the claimant's allegations and hearing decision under the abuse of discretion standard. We will find an abuse of discretion when an ALJ's action is erroneous and without any rational basis, or is clearly not justified under the particular circumstances of the case, such as where there has been an improper exercise, or a failure to exercise, administrative authority. For example, if the record shows that the ALJ failed to conduct a full and fair hearing by refusing to allow the

claimant to testify or cross-examine witnesses, we will find that an abuse of discretion has occurred. An abuse of discretion may also occur where there is a failure to follow procedures required by law.

An ALJ also abuses his or her discretion if the evidence in the record shows that the ALJ failed to recuse himself or herself from a case in which he or she was prejudiced or partial with respect to a particular claim or claimant, or had an interest in the matter pending for decision. In this instance, we will remand the case to another ALJ for a new hearing or revise the ALJ's decision pursuant to 20 CFR 404.940 and 416.1440.

In considering allegations of unfairness, prejudice, partiality, or bias by the ALJ, the Appeals Council reviews information in the claimant's administrative record to determine whether to consider the alleged actions an abuse of discretion. The Appeals Council relies solely on information in the administrative record in determining this issue. The Appeals Council does not otherwise investigate the allegations or consider information or evidence that is not a part of the administrative record.

After reviewing the administrative record to evaluate the allegation of unfairness, prejudice, partiality, or bias by the ALJ under the abuse of discretion standard, the Appeals Council will send the claimant a notice, order, or decision explaining that it has considered the allegation under the abuse of discretion standard and stating whether it found an abuse of discretion. The sole remedy the Appeals Council may provide to the claimant is a decision or a remand for further administrative action on the particular claim for benefits under review. When the Appeals Council issues its notice, order, or decision describing its action on the request for review, this concludes its role in the appellate review process. Such action does not involve a referral to the Division of Quality Services, nor does it constitute disciplinary action against an ALJ.

If the Appeals Council receives an allegation that falls outside its jurisdiction, such as an allegation that an ALJ violated personnel regulations or policies, the Appeals Council will process the request for review and acknowledge the allegation.[1] The Appeals Council will then refer the allegation to the Division of Quality Service. Similarly, if the Appeals Council receives an allegation about another issue that is beyond the scope of its authority, such as an allegation that an ALJ shows ''general bias'' or a pattern of bias or misconduct against a group or particular category of claimants, the Appeals Council will process the request for review and acknowledge the allegation in the notice, order, or decision. The Appeals Council will refer the allegation to the Division of Quality Service. Possible examples of allegations that the Appeals Council will not refer to the Division of Quality Service include, ''the ALJ is biased against me [individually]'' and ''the ALJ is prejudiced because she did not find me disabled.'' Possible examples of allegations that the Appeals Council will refer to the Division of Quality Service include, ''the ALJ is biased against claimants who receive workers compensation benefits or unemployment benefits'' and ''the ALJ shows prejudice toward women.''

Additionally, the Appeals Council may identify ALJ conduct that it determines warrants referral to the Division of Quality Service even if a claimant has not alleged it or filed a request for review with the Appeals Council. If the Appeals Council makes such a referral, it will clearly identify and refer the conduct to the Division of Quality Service. The Appeals Council will not reference any referral to the Division of Quality Service in a notice, order, or decision.

ALJ Complaint Investigation Process Through the Division of Quality Service

We also may receive allegations and complaints about ALJ conduct directly from claimants and other sources, outside of the scope of Appeals Council review. For example, in addition to receiving complaints from individual claimants, we may also receive complaints from witnesses at a hearing, claimant representatives, agency personnel such as those in our Office of the Inspector General (OIG), Members of Congress, and the Federal courts. Within the Office of Disability Adjudication Review (ODAR), the Division of Quality Service collects, reviews, and if warranted, investigates all allegations and complaints, including allegations referred by the Appeals Council under the process described above. The Division of Quality Service is responsible for receiving, tracking, and monitoring complaints that it receives.

This ALJ complaint investigation process is not an additional or alternative way to appeal the decision or dismissal on a claim for benefits. Filing a complaint using this process does not substitute for requesting review by the Appeals Council within the time frames set out in our regulations. If an individual wants to make a formal complaint about a particular ALJ (whether or not that complaint is associated with a particular claim for benefits) and request that management officials investigate the ALJ's conduct, the individual must file the complaint with the Division of Quality Service.

When the Division of Quality Service receives a complaint about an ALJ from a claimant or member of the public, it will acknowledge receipt of the complaint in writing and make reasonable efforts to do so within 60 days from the date it receives the complaint. However, the Division of Quality Service will not acknowledge complaints referred by the Appeals Council or other agency components. If an ODAR Regional Office receives a complaint from a claimant or member of the public about an ALJ, the Regional Office will acknowledge receipt of the complaint in writing and make reasonable efforts to do so within 60 days from the date it receives the complaint. The ODAR Regional Offices will also notify the Division of Quality Service that they received the complaint.

In order for the Division of Quality Service to review or investigate a complaint, the complaint must be filed in writing by the claimant, another party to the hearing, the claimant's representative, someone authorized to act on the claimant's or other party's behalf, or another individual who was present at the claimant's hearing (collectively, the complainant). If we receive the complaint from someone other than the individuals listed above, we will notify that individual that we will not review it. To ensure that we can obtain any necessary information in a timely manner, we must receive the complaint within 180 days of either the date of the action complained of, or the date the complainant became aware of such conduct. The complaint should contain specific information about the conduct, including where and when it occurred, and whether there were any witnesses. If we do not receive this information, we will inform the complainant of the insufficiency of information, and give him or her 30 days from the date of the notice to supply additional information.

[1] For example, the Appeals Council does not use ethics or personnel rules to determine whether an ALJ abused his or her discretion. All employees, including our ALJs, must comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635) and SSA's Standards of Conduct and Annual Personnel Reminders, but these rules are not considered during the Appeals Council's review of an ALJ's decision on a disability benefits claim.

The Division of Quality Service (or its designee) will review all complaints that it receives. A review includes an audit of the hearing recording if available, and an examination of the complaint, the hearing decision, and any other relevant documentation. If the Division of Quality Service's review indicates an investigation is unnecessary, we will close out the complaint and forward it to the appropriate ODAR Regional Office.[2] If the Division of Quality Service determines that an investigation is necessary, the Division of Quality Service will forward the complaint to the appropriate Regional Chief Administrative Law Judge (RCALJ). At the beginning of the investigation, the RCALJ (or his or her designee) will notify the ALJ, give him or her a copy of the complaint, and provide him or her with an opportunity to respond to the complaint. In addition to auditing the hearing recording and examining the complaint, the hearing decision, and any other relevant documentation, an investigation may include contacting any witnesses who have information related to the complaint. Following the investigation, the appropriate RCALJ will prepare a report for the Division of Quality Service's review containing findings and recommending any necessary action regarding the ALJ. Such action could include counseling, training, mentoring, or disciplinary action. Once a review or investigation is complete, we will notify the complainant that we processed the complaint. However, we will also explain that the Privacy Act prevents us from disclosing whether there was an investigation and whether we took any action against the ALJ who is the subject of the complaint.

The Division of Quality Service will use the same process described above to review or investigate complaints alleging ''general bias'' as well as those alleging a pattern of ALJ bias or misconduct against a group of claimants, or a particular category of claimants. In addition, the Division of Quality Service will monitor individual complaints that it receives to identify any patterns of alleged ALJ bias or misconduct against a group of claimants, or a particular category of claimants, for further investigation. If we substantiate these complaints, we will take appropriate action as described in this Ruling.

We may also find after a review or investigation the complaint is unsubstantiated, and we will take no action with respect to the ALJ. Our findings or actions in the Division of Quality Service ALJ complaint investigation process do not constitute findings on a claim for benefits under the Social Security Act. Rather, they represent an action committed to agency discretion by law and are not subject to judicial review.

Investigation of Allegations of Discrimination Under Our Civil Rights Complaint Process

A person who was a party to a hearing may file a discrimination complaint with us alleging discrimination in our hearing process based on race, color, national origin (including English language ability), religion, sex, sexual orientation, age, disability or in retaliation for having previously filed a civil rights complaint. Currently, our Office of the General Counsel has the responsibility to investigate and decide complaints that individuals file under this process. A person who was a party to a hearing may file a discrimination complaint under our civil rights investigation process in addition to filing a request for Appeals Council review or filing a complaint with the Division of Quality Service.

An individual may file a discrimination complaint alleging discrimination by an ALJ by using Form SSA–437–BK (available at *http://www.socialsecurity.gov/online/ssa-437.pdf*); however, an individual is not required to use this form and may make a complaint with a letter that contains the same information. The discrimination complaint must be filed within 180 days of the alleged discriminatory action unless we find there is good cause for late filing. Form SSA–437–BK provides:

''If you disagree with a decision that was made on a claim you filed for benefits, you **must** appeal that decision according to the procedure described in the notice of appeal rights that accompanied the decision. If you believe the decision was based on discrimination, you may file a complaint of discrimination using this form, but even if we find that you were discriminated against, that would not mean that the decision on your claim for benefits would change. A decision can still be a correct application of the law even if the decision-maker was biased. The **only** way to get the benefits decision changed is to file an appeal of that decision.''

After we receive an allegation of discrimination involving an ALJ based on the categories discussed above, the Division of Quality Service (or its designee) will assist the Office of the General Counsel or its designee in its review of the allegation of discrimination. The Division of Quality Service will prepare a copy of its findings and supporting documents. We will use the facts and documents stemming from the Division of Quality Service's investigation to make a finding of discrimination or non-discrimination.

We should issue a decision within 180 days of receiving the complaint. We may dismiss complaints for a lack of jurisdiction, such as those that allege discrimination based solely on a denial of benefits under SSA's program law and not on race, color, national origin (including English language ability), religion, sex, sexual orientation, age, disability or in retaliation for having previously filed a civil rights complaint. We will also dismiss complaints alleging discrimination on bases other than those identified in the complaint form or letter.

Within 30 days after a complainant receives our decision, he or she may request reconsideration of our decision on or dismissal of his or her civil rights complaint, and we should issue a reconsideration decision within 60 days of receiving a request for reconsideration.

Effective Date: This SSR is effective on February 28, 2013.

[FR Doc. 2013–01833 Filed 1–28–13; 8:45 am]

BILLING CODE 4191–02–P

[2] The ODAR Regional Office or DQS will notify the ALJ pursuant to our contractual obligations. Our current contract governing notification with the Association of Administrative Law Judges, International Federation of Professional and Technical Engineers, AFL–CIO became effective on August 31, 2001.

DEPARTMENT OF STATE

[Public Notice 8167]

30-Day Notice of Proposed Information Collection: INTERNational Connections

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to February 28, 2013.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory

Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Rachel C. Friedland, 2401 E Street NW., Washington, DC 20520, who may be reached on 202–261–8055 or at *Friedlandrc@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* INTERNational Connections.
- *OMB Control Number:* 1405–0190.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Human Resources, Office of Recruitment, Examination and Employment (HR/REE).
- *Form Number:* DS–5103.
- *Respondents:* Alumni of the U.S. Department of State's Student Programs, including internships, Pickerings, Rangels, Pathways, etc.
- *Estimated Number of Respondents:* 1,000.
- *Estimated Number of Responses:* 1,000.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 500 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The Department's student internship programs provide a key source of potential candidates who have an interest in, and are qualified, to become future Department employees. Naturally, HR/REE wants to strengthen and maintain its connections to this group, fostering and mentoring a pool of candidates from which to obtain successful recruits.

In June 2008, HR/REE surveyed over 3,500 former interns who served from 2005 through spring 2008. The intern alumni were queried as to their motivation in seeking an internship, whether or not they had pursued a career with either the Foreign Service or Civil Service, and what their recommendations would be for the best ways for the Department to maintain contact after the conclusion of their internships. Intern alumni endorse continued contact with Department representatives mainly through electronic means and Web site reminders of career opportunities.

In an effort to address these findings and provide viable solutions to improving student engagement prior to, during and following an internship, the Department developed an intern engagement strategy that will ultimately result in a measurable conversion of interns into Department hires for the Foreign or Civil Service. The foundation of this strategy is INTERNational Connections, a web-based career networking site for current, former and future interns that collects pertinent information about them, their experiences and their career goals.

Methodology: Currently, the Department of State internship program employs over 1,000 participants in the summer, in addition to fall and spring internships. Unfortunately, a tracking system does not exist which would enable the Department to capture the intern-to-hire ratio or conversion rate, or track this statistic over a period of time. This project would provide that missing link.

Users will register online at *careers.state.gov/internconnect* and create a profile that includes the aforementioned information.

Dated: January 23, 2013.

William Schaal, Jr.,

Executive Director, Bureau of Human Resources, U.S. Department of State.

[FR Doc. 2013–01883 Filed 1–28–13; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF STATE

[Public Notice 8168]

In the Matter of the Designation of Ahmed Abdullah Saleh al-Khazmari al-Zahrani Also Known as Abu Maryam al-Saudi Also Known as Ahmed Abdullah S al-Zahrani Also Known as Ahmad Abdullah Salih Al-Zahrani Also Known as Abu Maryam al-Azadi Also Known as Ahmed bin Abdullah Saleh bin al-Zahrani Also Known as Ahmed Abdullah Saleh al-Zahrani Al-Khozmri as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Ahmed Abdullah Saleh al-Khazmari, also known as Abu Maryam al-Saudi; also known as Ahmed Abdullah S al-Zahrani, also known as Ahmad Abdullah Salih Al-Zahrani, also known as Abu Maryam al-Azadi, also known as Ahmed bin Abdullah Saleh bin al-Zahrani, also known as Ahmed Abdullah Saleh al-Zahrani Al-Khozmri, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in Section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: December 21, 2012.

William J. Burns,

Deputy Secretary of State.

[FR Doc. 2013–01882 Filed 1–28–13; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35652]

Diana Del Grosso, Ray Smith, Joseph Hatch, Cheryl Hatch, Kathleen Kelley, Andrew Wilklund, and Richard Kosiba—Petition for Declaratory Order

AGENCY: Surface Transportation Board, Transportation.

ACTION: Institution of declaratory order proceeding; establishment of procedural schedule.

SUMMARY: In response to a petition filed on August 1, 2012, by Diana Del Grosso, Ray Smith, Joseph Hatch, Cheryl Hatch, Kathleen Kelley, Andrew Wilklund, and Richard Kosiba (Petitioners), the Board is instituting a declaratory order proceeding under 49 U.S.C. 721 and 5 U.S.C. 554(e). Petitioners request that the Board declare that specific operations conducted in the town of Upton, Mass. (Town) at a bulk transloading facility (Upton Facility), claimed to be performed by the Grafton and Upton Railroad (G&U), do not constitute ''transportation by a rail carrier,'' and that the Town's zoning and other regulations are therefore not preempted under 49 U.S.C. 10501(b). This notice provides for further submissions by the parties and seeks public comment.

DATES: G&U's reply is due no later than February 25, 2013. Public comments are due no later than February 25, 2013. Petitioners' response is due by March 11, 2013.

ADDRESSES: Public comments and further submissions by the parties may be submitted via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at *http://www.stb.dot.gov.* Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. FD 35652, 395 E Street SW., Washington, DC 20423–0001. Copies of written comments and the parties' filings will be available for viewing and self-copying at the Board's Public Docket Room, Room 131, and will be posted to the Board's Web site. In addition, send one copy of all filings to the following: Mark Bobrowski, Blatman, Bobrowski & Mead, LLC, 9 Damonmill Square, Suite 4A4, Concord, MA 01742 (representing Petitioners); James E. Howard, 70 Rancho Road, Carmel Valley, CA 93924 (representing G&U).

FOR FURTHER INFORMATION CONTACT: Marc Lerner, (202) 245–0390. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Petitioners request that the Board find that the screening, vacuuming, and bagging of wood pellets, and the trucking and storage of bulk goods, at the Upton Facility, on property owned by Upton Development Group, LLC and operated by Grafton Upton Railcare, LLC allegedly on behalf of G&U, are not preempted from certain local zoning and other regulations. Petitioners further assert that the wood pellet packaging services provided at the facility are not integrally related to ''rail transportation,'' and that the bulk transfer terminal activities are not being conducted by a ''rail carrier.'' The petition will serve as Petitioners' opening statement.

Under 5 U.S.C. 554(e), the Board has discretionary authority to issue a declaratory order to terminate a controversy or remove uncertainty. The issues raised by Petitioners merit further consideration, and a declaratory order proceeding is thus instituted here. Any person seeking to comment on the issues raised in Petitioners' petition may submit written comments to the Board pursuant to the schedule and procedures set forth in this notice. Additional information is contained in the Board's decision served January 24, 2013, which is available on our Web site at *www.stb.dot.gov.*

Decided: January 23, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013–01800 Filed 1–28–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 24, 2013.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before February 28, 2013 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–0018.

Type of Review: Revision of a currently approved collection.

Title: Report of Cash Payment Over $10,000 Received in a Trade or Business.

Form: FinCEN 8300.

Abstract: Anyone in a trade or business who, in the course of such trade or business, receives more than $10,000 in cash or foreign currency in one or more related transactions must report it to the IRS and provide a statement to the payor. Any transaction which must be reported under Title 31 on FinCEN Form 104 is exempted from reporting the same transaction on Form 8300. The USA Patriot Act of 2001 (Pub. L. 107–56) authorized the Financial Crimes Enforcement Network to collect the information reported on Form 8300.

Affected Public: Private sector: Businesses or other for-profits, farms.

Estimated Total Burden Hours: 114,000.

OMB Number: 1506–0064.

Type of Review: Revision of a currently approved collection.

Title: Bank Secrecy Act Currency Transaction Report (BSA–CTR).

Form: FinCEN 112.

Abstract: The collection of the information contained on the Bank Secrecy Act Currency Transaction Report (FinCEN Report 112) is authorized by statute (31 U.S.C. 5313(a)) and required by regulation (31 CFR 1010.311 and 1010.313). The regulation requires the reporting of transactions in currency by, through, or to a financial institution in excess of $10,000 during a single day.

Affected Public: Private sector: Businesses or other for-profits, not-for-profit institutions.

Estimated Total Burden Hours: 10,193,539.

OMB Number: 1506–0065.

Type of Review: Revision of a currently approved collection.

Title: Bank Secrecy Act Suspicious Activity Report (BSA–SAR).

Form: FinCEN 111.

Abstract: In 1992, the Treasury was granted broad authority to require suspicious transaction reporting under the Bank Secrecy Act (31 U.S.C. 5318(g)). FinCEN, which has been delegated authority to administer the Bank Secrecy Act, joined with the bank regulators in 1996 in requiring, on a consolidated form (the SAR form), reports of suspicious transactions (31 CFR 1020.320). FinCEN and the bank regulators adopted the suspicious activity report (''SAR'') in 1996 to simplify the process through which depository institutions (''banks'') inform their regulators and law enforcement about suspected criminal activity. The SAR was updated in 1999 and again in 2003 (§ 1020.320). In separate actions FinCEN expanded the SAR reporting to money services businesses (March, 2000, 31 CFR 1022.320), broker dealers in securities (July, 2002, 31 CFR 1023.320), casinos (September 2002, § 1021.320) certain futures commission merchants (November, 2003, § 1026.320), life insurance companies (November 2005, § 1025.320), mutual funds (May, 2006, § 1024.320), and non-bank residential mortgage lenders and originators (31 CFR 1029.320). All reporting financial institutions are required to retain a copy of any SAR filed and supporting documentation for the filing of the SAR for five years. See the above listed 31 CFR references and 31 CFR 1010.430. These documents are necessary for criminal investigations and prosecutions. The filing of a SAR is necessary to prevent and detect the laundering of money and other funds at the filing institutions.

Affected Public: Private sector: Businesses or other for-profits, not-for-profit institutions.

Estimated Total Burden Hours: 3,284,320.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013–01793 Filed 1–28–13; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 24, 2013.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before February 28, 2013 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request maybe found at *www.reginfo.gov.*

Financial Management Service (FMS)

OMB Number: 1510–0074.

Type of Review: Extension without change of a currently approved collection.

Title: Electronic Funds Transfer (EFT) Market Research Study.

Abstract: This is a generic clearance to conduct customer satisfaction surveys. The need for these surveys arises from Congressional directive that accompanied legislation enacted in 1996, as part of the Debt Collection Improvement Act (Pub. L. 104–134), expanding the scope of check recipients required to use direct deposit to receive Federal benefit payments (see 31 U.S.C. 3332). Congress directed Treasury to ''study the socioeconomic and demographic characteristics of those who currently do not have Direct Deposit and determine how best to increase usage among all groups.''

Affected Public: Individuals or Households.

Estimated Total Burden Hours: 7,500.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013–01814 Filed 1–28–13; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Information Collection; Submission for OMB Review

AGENCIES: Office of the Comptroller of the Currency, Treasury (OCC); Federal Deposit Insurance Corporation (FDIC); and National Credit Union Administration (NCUA).

ACTION: Joint Notice and Request for Comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC); Federal Deposit Insurance Corporation (FDIC); and National Credit Union Administration (NCUA) (the Agencies) as part of their continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection, as required by the Paperwork Reduction Act of 1995.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC, FDIC and NCUA are soliciting comment concerning their information collection titled, ''Interagency Appraisal Complaint Form.''

The Office of the Comptroller of the Currency (OCC) is also announcing that the proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Comments must be received by February 28, 2013.

ADDRESSES: *Communications Division, Office of the Comptroller of the Currency,* Mailstop 6W–11, Attention: 1557–NEW, Washington, DC 20219. In addition, comments may be sent by fax to (202) 649–5709 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid

government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–NEW, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by electronic mail to *oira_submission@omb.eop.gov.*

FDIC: You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Agency Web site: http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivered/Courier:* The guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.
- *Email: comments@FDIC.gov.*

Instructions: Comments submitted must include ''FDIC'' and ''Interagency Appraisal Complaint Form.'' Comments received will be posted without change to *http://www.FDIC.gov/regulations/laws/federal/notices.html,* including any personal information provided.

NCUA: Interested parties are invited to submit written comments to both the NCUA PRA Contact and OMB Reviewer listed here:

- *NCUA PRA Contact:* Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, or Email: *OCIOmail@ncua.gov;* and
- *OMB Contact:* Office of Management and Budget; ATTN: Desk Officer for NCUA; Office of Information and Regulatory Affairs, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from:

OCC: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Washington, DC 20219.

FDIC: Beverlea S. Gardner, Senior Examination Specialist, Risk Management Section, at (202) 898–3640, Sumaya A. Muraywid, Examination Specialist, Risk Management Section, at (573) 875–6620, Richard Foley, Counsel, Legal Division, at (202) 898–3784, Mark Mellon, Counsel, Legal Division, at (202) 898–3884, or 550 17th St. NW., Washington, DC 20429.

NCUA: Laura Todor, Consumer Affairs Officer, NCUA Office of Consumer Protection, 1775 Duke St., Alexandria, VA 22314, by phone at (703) 518–1149, or by email at *ltodor@ncua.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, the Agencies have submitted the following proposed collection of information to OMB for review and clearance.

Interagency Appraisal Complaint Form—(OMB Control Number OCC 1557–NEW; FDIC 3064–NEW; NCUA 3133–NEW)

Under section 1473(p) of the Dodd-Frank Wall Street Reform and Consumer Protection Act,[1] if the Appraisal Subcommittee (''ASC''), a subcommittee of the Federal Financial Institutions Examination Council (FFIEC), determines, six months after enactment of that section (*i.e.,* January 21, 2011) that no national hotline exists to receive complaints of non-compliance with appraisal independence standards and Uniform Standards of Professional Appraisal Practice (USPAP), including complaints from appraisers, individuals, or other entities concerning the improper influencing or attempted improper influencing of appraisers or the appraisal process, then the ASC shall establish and operate such a hotline (''ASC Hotline''), which shall include a toll-free telephone number and an email address. Section 1473(p) further directs the ASC to refer complaints received through the ASC Hotline to the appropriate government bodies for further action, which may include referrals to the Agencies, Federal Reserve Board, Consumer Financial Protection Bureau, and State agencies. The ASC determined that a national appraisal hotline does not exist at a meeting held on January 12, 2011, and a notice of this determination was published in the **Federal Register** on January 28, 2011 (76 FR 5161). Currently, the ASC is in the process of establishing the ASC hotline, which will refer complaints to appropriate state and federal regulators.

Representatives from the Agencies, the Federal Reserve Board, and the Consumer Financial Protection Bureau have been meeting to establish a process to facilitate the referral of complaints received through the ASC Hotline to the appropriate federal financial institution regulatory agency or agencies. The Agencies and the Federal Reserve Board have developed the Interagency Appraisal Complaint Form to collect information necessary to take further action on the complaint. In preparing this notice, the Agencies have availed themselves of all means reasonably available to determine accurate estimates of the number of complaints they anticipate receiving as the result of the Interagency Appraisal Complaint Form.

Description of the Interagency Appraisal Complaint Form

The Agencies and the Federal Reserve Board developed the Interagency Appraisal Complaint Form for use by those who wish to file a formal, written complaint that an entity subject to the jurisdiction of one or more Agencies or the Federal Reserve Board has failed to comply with the appraisal independence standards or USPAP. The Interagency Appraisal Complaint Form is designed to collect information necessary for one or more Agencies or the Federal Reserve Board to take further action on a complaint from an appraiser, other individual, financial institution, or other entities. Each appropriate Agency or the Federal Reserve Board will use the information to take further action on the complaint to the extent it relates to an issue within its jurisdiction. The Federal Reserve Board will be seeking approval for the Interagency Appraisal Complaint Form through a separate notice.

Comment Summary

In the **Federal Register** of October 22, 2012 (77 FR 64595), the Agencies published a 60-day notice requesting public comment on the Interagency Appraisal Complaint Form and the collection of information. The Agencies received one comment letter signed by two professional appraiser organizations.

The comment letter expressed the view that Congress intended that the ASC Hotline would be used solely for complaints concerning appraiser independence. The comment letter further recommended that the ASC report statistical summaries of information about the number and disposition of complaints received by the hotline, but that it refrain from disclosing the identities of the parties involved. Finally, the comment letter urged the Agencies to consider the impact on state agencies if the Interagency Appraisal Complaint Form is not limited to appraiser independence issues.

The Agencies carefully considered the comment received and note that this

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act § 1473, Pub. L. 111–203, 124 Stat. 1376, July 21, 2010; 12 U.S.C. § 3351(i).

notice concerns only the development by the Agencies of the Interagency Appraisal Complaint Form. The Agencies note that the ASC is responsible for the development of the ASC Hotline, including establishing a process for receiving complaints, identifying the appropriate Federal or State regulator, referring the complaints to such regulator, and providing reports on the complaints received. The development of that process is outside the scope of this notice, and the Agencies cannot comment on behalf of the ASC, an independent agency. However, the Agencies note that the ASC is not responsible for developing the Interagency Appraisal Complaint Form.

The Agencies developed the Interagency Appraisal Complaint Form as a means to efficiently collect information in circumstances where the ASC determines the OCC, FDIC, or NCUA is the appropriate regulator. While the Interagency Appraisal Complaint Form is focused on complaints regarding appraisal independence standards and USPAP, the Agencies' responsibilities for considering complaints extends beyond these concerns, and the Agencies intend to consider all received complaints in a consistent manner, regardless of their source. As a practical matter, the Agencies expect to receive complaints concerning appraisers from a variety of sources, and that only some of those complaints will have been directed to the Agencies via the ASC Hotline. The Agencies believe it is important to use a form that is general and flexible enough to allow a complainant to express the nature of a complaint without restricting what types of complaints are allowable. Moreover, a State entity is not required to use the Interagency Appraisal Complaint Form and the Agencies' use of the form need have no impact on any existing State complaint processes. The Agencies and the Federal Reserve Board developed the Interagency Appraisal Complaint Form for their own use, and the burden estimates are limited to complaints each of the Agencies reasonably anticipates receiving from ASC Hotline referrals. Such estimates are not intended to encompass the total complaints received by the ASC through the ASC Hotline, the total number of complaints referred by the ASC to the appropriate regulator(s), or the total complaints expected to be received independent of ASC Hotline referrals.

Burden Estimates

The OCC, FDIC and NCUA estimate that the burden of this collection of information is as follows:

Interagency appraisal complaint form	Number of respondents	Number of responses per respondent	Annual number of responses	Burden per response	Total hours
OCC	1,500	1	1,500	0.5	750
NCUA	300	1	300	0.5	150
FDIC	200	1	200	0.5	100
Total	2,000				1,000

OCC

OMB Control Number: 1557–NEW.
Estimated Number of Respondents: 1500.
Estimated Burden per Response: 0.5.
Estimated Total Annual Burden: 750.

FDIC

OMB Control Number: 3064–NEW.
Estimated Number of Respondents: 200.
Estimated Burden per Response: 0.5.
Estimated Total Annual Burden: 100.

NCUA

OMB Control Number: 3133–NEW.
Estimated Number of Respondents: 300.
Estimated Burden per Response: 0.5.
Estimated Total Annual Burden: 150.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 22, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, OCC.

Dated: January 22, 2013.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

Dated: January 16, 2013.

Mary Rupp,

Secretary of the Board, NCUA.

[FR Doc. 2013–01765 Filed 1–28–13; 8:45 am]

BILLING CODE 7535–01–P; 6714–01–P; P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Country Exposure Report (FFIEC 009) and Country Exposure Information Report (FFIEC 009a)

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: The OCC, the Board, and the FDIC (the ''agencies'') are seeking public comment on a proposal to extend and revise the currently approved information collections contained in the Country Exposure Report (FFIEC 009) and the Country Exposure Information Report (FFIEC 009a). The agencies are all members of the Federal Financial

Institutions Examination Council (FFIEC), which has approved the agencies' publication of proposed revisions to the FFIEC 009 and FFIEC 009a reports to collect additional information on exposures to foreign entities. The agencies will review the comments and recommendations received to determine the extent to which the FFIEC should modify the reports. The agencies will then submit the reports to the U.S. Office of Management and Budget (OMB) for review and approval.

DATES: Comments must be submitted on or before April 1, 2013.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments should refer to the OMB control number and will be shared among the agencies.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Mail Stop 6W–11, Attention: 1557–0100, Washington, DC 20219. In addition, comments may be sent by fax to (202) 649–5709 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–100, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or emailed to *oira submission@omb.eop.gov.*

Board: You may submit comments, identified by FFIEC 009 or FFIEC 009a, by any of the following methods:

Agency Web Site: http://www.federalreserve.gov. Follow the instructions for submitting comments on the *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: regs.comments@federalreserve.gov. Include the OMB control number in the subject line of the message.

FAX: 202–452–3819 or 202–452–3102.

Mail: Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, except as necessary for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9 a.m. and 5 p.m. on weekdays.

FDIC: You may submit written comments, which should refer to ''Country Exposure Reports, 3064–0017,'' by any of the following methods:

Agency Web Site: http://www.fdic.gov/regulations/laws/federal/propose.html. Follow the instructions for submitting comments on the FDIC Web site.

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: Comments@FDIC.gov. Include ''Country Exposure Reports, 3064–0017'' in the subject line of the message.

Mail: Robert E. Feldman, Executive Secretary, Attention: Comments, FDIC, 550 17th Street NW., Washington, DC 20429.

Hand Delivery/Courier: Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/propose/html* including any personal information provided. Comments may be inspected at the FDIC Public Information Center, Room E–1002, 3501 Fairfax Drive, Arlington, VA 22226, between 9 a.m. and 5 p.m. on business days.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503, or by fax to 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Additional information or a copy of the collections may be requested from:

OCC: Mary H. Gottlieb or Johnny Vilela, OCC Clearance Officers, 202–649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Washington, DC 20219.

Board: Cynthia Ayouch, Federal Reserve Board Clearance Officer, 202–452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call 202–263–4869.

FDIC: Gary Kuiper, Counsel, (202) 898–3877, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), an Agency may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC, the Board, and the FDIC are publishing notice of the proposed collection of information set forth in this document.

Country Exposure Report (FFIEC 009) and Country Exposure Information Report (FFIEC 009a)—OMB Control Numbers: OCC, 1557–0100; Board, 7100–0035; FDIC, 3064–0017—Extension

Proposal to extend for three years, with revision, the following currently approved collections of information:

Report Titles: Country Exposure Report and Country Exposure Information Report.

Form Numbers: FFIEC 009 and FFIEC 009a.

Frequency of Response: Quarterly.

Affected Public: Business or other for profit.

OCC

OMB Number: 1557–0100.

Estimated Number of Respondents: 16 (FFIEC 009), 9 (FFIEC 009a).

Estimated Average Time per Response: 115 burden hours (FFIEC 009), 6 burden hours (FFIEC 009a).

Estimated Total Annual Burden: 54 burden hours (FFIEC 009a).

Board

OMB Number: 7100–0035.
Estimated Number of Respondents: 42 (FFIEC 009), 32 (FFIEC 009a).
Estimated Average Time per Response: 115 burden hours (FFIEC 009), 6.0 burden hours (FFIEC 009a).
Estimated Total Annual Burden: 19,320 burden hours (FFIEC 009), 768 burden hours (FFIEC 009a).

FDIC

OMB Number: 3064–0017.
Estimated Number of Respondents: 17 (FFIEC 009), 9 (FFIEC 009a).
Estimated Average Time per Response: 115 burden hours (FFIEC 009), 6 burden hours (FFIEC 009a).
Estimated Total Annual Burden: 7,820 burden hours (FFIEC 009), 216 burden hours (FFIEC 009a).

General Description of Reports

The Country Exposure Report (FFIEC 009) is filed quarterly with the agencies and provides information on international claims of U.S. banks, savings associations, and bank holding companies that is used for supervisory and analytical purposes. The information is used to monitor the foreign country exposures of reporting institutions to determine the degree of risk in their portfolios and assess the potential risk of loss. The Country Exposure Information Report (FFIEC 009a) is a supplement to the FFIEC 009 and provides publicly available information on material foreign country exposures (all exposures to a country in excess of 1 percent of total assets or 20 percent of capital, whichever is less) of U.S. banks, savings associations, and bank holding companies that file the FFIEC 009 report. As part of the Country Exposure Information Report, reporting institutions also must furnish a list of countries in which they have lending exposures above 0.75 percent of total assets or 15 percent of total capital whichever is less.

Background for the Proposed Changes

The nature of U.S bank exposure abroad has shifted considerably since the FFIEC 009 report was first introduced in 1977, and previous revisions have not kept pace with those changes. Initially, the agencies' primary concern focused on the possibility of sizeable losses to U.S. banks from foreign exposure to sovereigns and banks in Latin America, especially as a result of the imposition of exchange controls that would prevent repayment of credits originated in the U.S. Accordingly, reporting was limited to three categories of claims: ''public,'' ''banks,'' and ''other,'' with the last category including all corporate and retail credits. Since then, banks have significantly increased their exposure to the private, non-bank sectors of economies around the world, increasing the possibility that losses could occur even in the absence of a sovereign default or the imposition of exchange controls.

It became evident during the recent financial crisis that the level of detail provided in the current report was insufficient to capture the evolving risks from U.S. institutions' foreign exposures. In response, banks increasingly provided additional information in other public disclosures, including filings with the Securities and Exchange Commission (e.g., in Quarterly Reports on Form 10–Q and Annual Reports on Form 10–K), about exposure to a selected group of countries. That information is drawn from banks' internal calculations of foreign exposure, and therefore differed from the amounts reported in the FFIEC 009 report, which is based on a single standardized methodology for calculating and reporting such foreign exposures across all institutions, and the amounts publicly disclosed in the FFIEC's Country Exposure Lending Survey statistical release and the FFIEC 009a report, which are extracted from the FFIEC 009 report.[1]

The FFIEC 009 report, as it is proposed to be revised, would serve an important purpose by ensuring consistency of reporting across institutions for a number of important components of foreign country exposure. These data would allow supervisors to compare the amount of one institution's exposures to those of its peers for a country or set of countries, to analyze the aggregate exposure of U.S. banks to foreign creditors, and to monitor trends in exposures. The revised FFIEC 009a data would allow market participants to analyze more detailed, aggregate exposure data. The FFIEC 009 report is not a substitute for other more detailed supervisory data or internal management information.

The revised FFIEC 009 and FFIEC 009a reports are proposed to be effective June 30, 2013.

[1] The quarterly statistical release and individual institutions' FFIEC 009a reports can be accessed at *http://www.ffiec.gov/E16.htm.*

Proposed Changes to the Information Collection

In response to these issues, the agencies have developed recommended improvements to the reporting of foreign country exposure data by U.S. reporting institutions on the FFIEC 009 and FFIEC 009a reports. The changes are designed to improve the utility of the data for policy makers, bank supervisors, and market participants.

In broad terms, the proposed revisions to the FFIEC 009 report would increase the number of counterparty categories, add additional information on the type of claim being reported, provide details on a limited number of risk mitigants to help provide perspective to currently reported gross exposure numbers, add more detailed reporting of credit derivatives, and add the United States as a country row to allow reconciliation between a reporting institution's FFIEC 009 report and its Consolidated Financial Statements for Bank Holding Companies (FR Y–9C; OMB No. 7100–0128) or Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (Call Report; FFIEC 031; OMB Nos. 7100–0036, 3064–0052, 1557–0081), as appropriate, and expand the entities that must report to include savings and loan holding companies (SLHCs). The specific proposed changes are discussed in more detail below.

First, the number of exposure categories would be increased. The FFIEC 009 report currently has three categories for claims: ''bank,'' ''public,'' and ''other.'' The revised form would split the ''other'' category into ''corporate,'' ''household,'' and ''non-bank financial institutions.'' This proposed disaggregation will allow supervisors and the public to better analyze risks by counterparty type.

Second, the revisions would include a memorandum item for the amount of claims held in the form of securities held-to-maturity (HTM) and available-for-sale (AFS), providing additional information on this type of foreign country exposure, which may perform differently under stressed conditions than loans or leases.

Third, the revisions would include memorandum information on collateral pledged against claims. Collateral pledged against a claim, for example in repurchase transactions, can reduce risk; with the proposed revisions, the FFIEC 009 would include information on such mitigants for the first time. Collateral held against claims would be reported on a gross basis, and would include additional information on the amount of such collateral that is in cash,

that is held in the same country as the claim against which it is pledged, and that is in the form of repurchase or securities lending agreements. The proposed new data on collateral held against claims will provide information for users to better assess net risks based on their own assumptions about the benefits of the collateral, and also should produce greater insight into reporting institutions' own internal calculations of foreign country exposure, which typically take collateral into account.

Fourth, the revisions would modify the FFIEC 009a public reporting requirement for exposures to individual countries. The threshold triggering public disclosure would remain, as currently set, at 1 percent of total assets or 20 percent of total capital, whichever is less. However, in calculating claims for this purpose, institutions would no longer subtract local liabilities of foreign branches or subsidiaries, changing the basis of reporting claims from transfer risk to country risk. This proposed change could result in the disclosure of claims for additional individual countries for a given institution.

Fifth, data on gross credit derivatives purchased would be collected for the first time. Gross credit derivatives sold is already reported on the FFIEC 009 report. In addition, a conservatively netted (i.e., at the counterparty and reference entity level) version of credit derivatives purchased and sold would also be reported. The values reported would be notional amounts. These proposed additional data would provide a more complete view of credit derivative exposures.

Sixth, information on offsetting positions in the securities trading book would be reported. Trading books may contain closely related long and short positions that partially or fully offset one another, mitigating the risk inherent in a given level of gross exposure. This proposed memorandum item would provide the portion of trading assets that can be offset by short positions at the level of the issuer (legal entity basis) and the instrument (debt versus debt; equity versus equity).

Seventh, the United States would be added as a country for which exposures would be reported. Reporting institutions have indicated a strong preference for including the U.S. in the country rows so that amounts reported on an institution's FFIEC 009 report can be reconciled to those reported on its FR Y–9C report or Call Report (FFIEC 031), as appropriate, which includes exposures to the U.S.

Eighth, the banking agencies propose adding SLHCs [2] to the panel of entities that must file the FFIEC 009 and FFIEC 009a. The proposed revisions would provide data to analyze the foreign country exposures and overall financial condition of SLHCs.

Finally, the publicly available FFIEC 009a report would be expanded to include additional information for those individual countries for which the reporting threshold is triggered. This expansion would incorporate much of the new information proposed to be added to the FFIEC 009 report—the risk mitigants of collateral, offsetting positions for the trading book, and credit derivatives purchased; securities HTM and AFS; and claims on nonbank financial institutions—into the FFIEC 009a report. The proposed revisions to the FFIEC 009a report also include adding selected data currently reported on the FFIEC 009 report but not on the FFIEC 009a report—trading assets and unused commitments and guarantees—to properly inform the new information on offsetting positions for the trading book and off-balance-sheet items. The proposed enhancements to the FFIEC 009a report would provide market participants with more detailed aggregate exposure data for analytical purposes.

Legal Basis for the Information Collection

These information collections are mandatory under the following statutes: 12 U.S.C. 161 and 1817 (national banks), 12 U.S.C. 1464 (federal savings associations), 12 U.S.C. 248(a), 1844(c), and 3906 (state member banks and bank holding companies); 12 U.S.C. 1467a(b)(2) and 5412 (savings and loan holding companies); and 12 U.S.C. 1817 and 1820 (insured state nonmember commercial and savings banks and insured state savings associations). The FFIEC 009 information collection is given confidential treatment (5 U.S.C. 552(b)(4) and (b)(8)). The FFIEC 009a information collection is not given confidential treatment.

Request for Comment

The agencies invite comment on the following topics related to this collection of information:

(a) Whether the information collections are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

All comments will become a matter of public record.

Dated: January 10, 2013.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, January 17, 2013.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 15th day of January 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–01816 Filed 1–28–13; 8:45 am]

BILLING CODE 4810–33–P; 6714–01–P; 6210–01–P

[2] The Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203) was enacted into law on July 21, 2010. Title III of the Dodd-Frank Act abolished the Office of Thrift Supervision (OTS) and transferred all former OTS authorities (including rulemaking) related to SLHCs to the Federal Reserve effective as of July 21, 2011.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of One Specially Designated National and Blocked Person Pursuant to Executive Order 13448

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the name of one individual whose property and interests in property has been unblocked pursuant to Executive Order 13448 of October 18, 2007 (''Blocking Property and Prohibiting Certain Transactions Related to Burma'') (''E.O. 13448'').

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the individual identified in this notice whose property and interests in property was blocked pursuant to Executive Order 13448 of October 18, 2007, is effective on January 24, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service tel.: (202) 622–0077.

Background

On October 18, 2007, President George W. Bush signed E.O. 13448 pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701 *et. seq.*). In E.O. 13448, the President took additional steps with respect to, and expanded, the national emergency declared in Executive Order 13047 of May 20, 1997, to address the Government of Burma's continued repression of the democratic opposition in Burma. The President identified twelve individuals and entities in the Annex to E.O. 13448 as subject to the economic sanctions imposed by that Order.

Section 1 of E.O. 13448 blocks, with certain exceptions, all property and interests in property that are in, or come within, the United States, or that are or come within the possession or control of United States persons, including their overseas branches, of the persons listed in the Annex to E.O. 13448, as well as those persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to satisfy any of the criteria set forth in subparagraphs (b)(i)–(b)(vi) of Section 1.

On February 5, 2008, the Director of OFAC, after consultation with the Department of State designated, pursuant to one or more of the criteria set forth in Section 1, subparagraphs (b)(i)–(b)(vi) of E.O. 13448, the individual listed below, whose property and interests in property were blocked pursuant to the Order.

On January 24, 2013, the Director of OFAC removed and unblocked from the SDN List the individual listed below, whose property and interests in property were blocked pursuant to E.O. 13448:

1. THEIN, U Kyaw, 503 Sembawang Road, #02–29 757707, Singapore; c/o Air Bagan Holdings Pte. Ltd., undetermined; c/o Htoo Wood Products Pte. Ltd., undetermined; c/o Pavo Aircraft Leasing Pte. Ltd., undetermined; c/o Pavo Trading Pte. Ltd., undetermined; DOB 25 Oct 1947; nationality Burma; citizen Burma; National ID No. S2733659J (Singapore) issued 07 Jul 2005; permanent resident Singapore (individual) [BURMA].

Dated: January 24, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–01855 Filed 1–28–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Individuals Pursuant to Executive Order 13413

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the name of two individuals whose property and interests in property have been blocked pursuant to Executive Order 13413 of October 27, 2006, ''Blocking Property of Certain Persons Contributing to the Conflict in the Democratic Republic of Congo.''

DATES: The designation by the Director of OFAC of the two individuals identified in this notice, pursuant to Executive Order 13413 of October 27, 2006, was effective on January 24, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's web site (*www.treas.gov/ofac*) and via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

On October 27, 2006, the President signed Executive Order 13413 (the ''Order'' or ''E.O. 13413'') pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA) and section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA). In the Order, the President found that the situation in or in relation to the Democratic Republic of the Congo constitutes an unusual and extraordinary threat to the foreign policy of the United States and imposed sanctions, and authorized additional sanctions, to address that threat.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in, or thereafter come within, the United States, or within the possession or control of United States persons, of the persons identified by the President in the Annex to the Order, as well as those persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to meet any of the criteria set forth in subparagraphs (a)(ii)(A)–(a)(ii)(G) of Section 1 of the Order.

On January 24, 2013, the Director of OFAC exercised the Secretary of the Treasury's authority to designate, pursuant to one or more of the criteria set forth in Section 1 of the Order, the two individuals listed below, whose property and interests in property therefore are blocked pursuant to E.O. 13413.

The listing of the blocked individuals appears as follows:

1. RUNIGA, Jean-Marie Rugerero (a.k.a. RUNIGA, Jean-Marie Lugerero); DOB September 17, 1966; POB Democratic Republic of the Congo (individual) [DRCONGO]

2. BADEGE, Eric; DOB 1971; Lieutenant Colonel; Alternate Title: Colonel (individual) [DRCONGO]

Dated: January 24, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–01854 Filed 1–28–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before April 1, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue

Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 1545–1707.

Title: TD 8957—Estate Tax; Form 706, Extension to File (REG–106511–00, Final).

Abstract: This collection involves regulations relating to the filing of an application for an automatic 6-month extension of time to file an estate tax return (Form 706). The regulations provide guidance to executors of decedents' estates on how to properly file the application for the automatic extension.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Annual Respondents: 1.

Estimated Hours per Response: 1.

Estimated Number of Annual Responses: 1.

Estimated Total Annual Burden: 1.

OMB Number: 1545–1696.

Title: Political Organization Report on Contributions and Expenditures.

Form: 8872.

Abstract: Internal Revenue Code section 527(j) requires certain political organizations to report certain contributions received and expenditures made after July 1, 2000. Every section 527 political organization that accepts a contribution or makes an expenditure for an exempt function during the calendar year must file Form 8872, except for a political organization that is not required to file Form 8871, or a state or local committee of a political party or political committee of a state or local candidate.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Annual Respondents: 10,000.

Estimated Hours per Response: 4.

Estimated Number of Annual Responses: 40,000.

Estimated Total Annual Burden: 431,200.

The following paragraph applies to all of the collections of information covered by this notice: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 24, 2013.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013–01846 Filed 1–28–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0747]

Agency Information Collection (Fully Developed Claims) (Applications for Compensation; Applications for Pension; Applications for DIC, Death Pension, and/or Accrued Benefits): Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 28, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0747'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492, FAX (202) 632–7583 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0747.''

SUPPLEMENTARY INFORMATION:

Titles: Fully Developed Claims (Applications for Compensation, 21–526EZ; Applications for Pension, VA Form 21–527EZ; and Applications for DIC, Death Pension, and/or Accrued Benefits, VA Form 21–534EZ.

OMB Control Number: 2900–0747.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 21–526EZ, 21–527EZ and 21–534EZ will be used to process a claim within 90 days after receipt from a claimant. Claimants are required to sign and date the certification, certifying as of the signed date, no additional information or evidence is available or needs to be submitted in order to adjudicate the claim.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 19, 2012, at pages 64389–64390.

Affected Public: Individuals or Households.

Estimated Annual Burden: 43,516 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 104,440.

Dated: January 24, 2013.

By direction of the Secretary.

William F. Russo,

Deputy Director, Office of Regulations Policy and Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2013–01812 Filed 1–28–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 78 Tuesday,
No. 19 January 29, 2013

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1
Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR 2013–0076, Sequence 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–65; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005–65. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov.*

DATES: For effective dates and comment dates see separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to each FAR case. Please cite FAC 2005–65 and the specific FAR case numbers. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

LIST OF RULES IN FAC 2005–65

Item	Subject	FAR Case	Analyst
I	Prohibition on Contracting with Inverted Domestic Corporations	2012–013	Jackson.
II	Extension of Sunset Date for Protests of Task and Delivery Orders	2012–007	Lague.
III	Free Trade Agreement—Colombia	2012–012	Davis.
IV	Unallowability of Costs Associated with Foreign Contractor Excise Tax	2011–011	Chambers.
V	Technical Amendments.		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these FAR cases, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–65 amends the FAR as specified below:

Item I—Prohibition on Contracting With Inverted Domestic Corporations (FAR Case 2012–013)

This rule adopts as final an interim rule implementing section 738 of Division C of the Consolidated Appropriations Act, 2012 (Pub. L. 112–74), which prohibits the award of contracts using Fiscal Year 2012 appropriated funds to any foreign incorporated entity that is treated as an inverted domestic corporation or to any subsidiary of such an entity. The interim rule extended an existing prohibition that applied to the use of Fiscal Year 2008 through 2010 funds. Contracting officers are prohibited from awarding contracts using appropriated funds to any foreign incorporated entity that is treated as an inverted domestic corporation or to any subsidiary of such entity, unless an exception applies. This rule will not have any significant economic impact on small businesses because this rule only applies to an offeror that is an inverted domestic corporation and wants to do business with the Government. Small business concerns are unlikely to have been incorporated in the United States and then reincorporated in a tax haven.

Item II—Extension of Sunset Date for Protests of Task and Delivery Orders (FAR Case 2012–007)

This final rule amends the FAR to implement section 825 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Pub. L. 111–383) and section 813 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81). These statutes extend the sunset date for protests against awards of task or delivery orders to September 30, 2016. There is no effect on Government automated systems.

Item III—Free Trade Agreement—Colombia (FAR Case 2012–012)

This final rule adopts, with minor change, the interim rule published in the **Federal Register** at 77 FR 27548 on May 10, 2012, to implement the United States-Colombia Trade Promotion Agreement. This Trade Promotion Agreement is a free trade agreement (FTA) that provides for mutually non-discriminatory treatment of eligible products and services from Colombia.

The Colombia FTA covers acquisition of supplies and services equal to or exceeding $77,494. The threshold for the Colombia FTA is $7,777,000 for construction. The excluded services for the Colombia FTA are the same as for the Bahrain FTA, Dominican Republic-Central American FTA, Chile FTA, NAFTA, Oman FTA, and Peru FTA.

Item IV—Unallowability of Costs Associated With Foreign Contractor Excise Tax (FAR Case 2011–011)

This final rule amends the FAR to implement certain requirements of section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, which imposes a 2 percent excise tax on certain Federal procurement payments to foreign persons. First, the statute disallows the cost of the 2 percent excise tax on certain foreign procurements as part of a payment, or as part of a cost-based negotiated price. Second, the statute stipulates that no funds are to be disbursed to any foreign contractor in order to reimburse the tax imposed. This rule will have a minimal economic impact on small businesses because the 2 percent excise tax is applied only to foreign persons that receive Federal procurement payments pursuant to a contract with the Government of the United States for the provision of goods or services, if the goods are manufactured or produced in, or the services are performed in, a country that is not a party to an international procurement agreement with the United States.

Item V—Technical Amendments

Editorial changes are made at FAR 1.106, 2.000, and 31.205–6.

Dated: January 23, 2013.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2013–01740 Filed 1–28–13; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 9 and 52

[FAC 2005–65; FAR Case 2012–013; Item I; Docket 2012–0013, Sequence 1]

RIN 9000–AM22

Federal Acquisition Regulation; Prohibition on Contracting With Inverted Domestic Corporations

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are adopting as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement a section of the Consolidated Appropriations Act, 2012, that prohibits the award of contracts using appropriated funds to any foreign incorporated entity that is treated as an inverted domestic corporation or to any subsidiary of such entity.

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–65, FAR Case 2012–013.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 77 FR 27547 on May 10, 2012, to implement section 738 of Division C of the Consolidated Appropriations Act, 2012 (Pub. L. 112–74), which was signed on December 23, 2011. The same Governmentwide restrictions are already incorporated in the FAR for funds appropriated in Fiscal Years 2008 through 2010, under FAR case 2008–009, published as an interim rule on July 1, 2009 (74 FR 31561), and as a final rule on May 31, 2011 (76 FR 31410).

An inverted domestic corporation is one that used to be incorporated in the United States, or used to be a partnership in the United States, but now is incorporated in a foreign country, or is a subsidiary whose parent corporation is incorporated in a foreign country. See the definition of inverted domestic corporation at FAR 9.108–1.

Six respondents submitted comments on the interim rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Significant Changes

There are no changes to the interim rule as a result of the public comments.

B. Analysis of Public Comments

1. Support for the Prohibition

Comment: Almost all respondents strongly supported the intent of the rule, to prohibit the Government from doing business with inverted domestic corporations. Some provided specific comments that the rule should be enforced and continued. Some of the specific reasons provided for support were as follows:

a. Impact on U.S. jobs.

Comment: Several respondents stated that when millions of people in the United States are unemployed or under-employed, corporations that have ''turned their back'' on the United States and probably eliminated at least some of the jobs for American personnel should not receive Government contracts.

Response: The Councils note that the views of these respondents are in accord with the intent of the law and this FAR rule.

b. Companies should not be rewarded for tax avoidance.

Comment: Many respondents stated that companies should not be rewarded for tax avoidance, which enables them to compete unfairly with U.S. companies.

Response: The Councils note that the views of these respondents are in accord with the intent of the law and this FAR rule.

c. One respondent discussed additional costly measures that are required when dealing with inverted domestic corporations: *e.g.,* proxy agreements, authorization from national authorities, additional security measures.

Response: The Councils note that the views of this respondent are in accord with the intent of the law and this FAR rule.

2. Rule Should Be Even More Stringent

Comment: One respondent stated that the FAR rule on inverted domestic corporations is a good beginning, but does not go far enough to have any effect on the issue. The respondent requests that the Government should also stop distributors of the products of inverted domestic corporations from selling such products to the Government, because the manufacturers pay no income tax, and products they make off shore impede manufacturing growth of the United States economy and job creation.

Response: Prior to this FAR case 2012–013, the FAR already implemented restrictions that were contained in the FY 2008 through FY 2010 appropriations act restrictions: a provision at FAR 52.209–2, Prohibition on Contracting with Inverted Domestic Corporations—Representation; and a clause at 52.209–10, Prohibition on Contracting with Inverted Domestic Corporations.

Comparable to the prior appropriations act restrictions, Section 738 of the Consolidated Appropriations Act, 2012 (Pub. L. 112–74), Division C, Title VII, prohibits the use of FY 2012 funds for contracts with any foreign entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002. The statute only prohibits Government contracts directly awarded to an inverted domestic corporation. It does not cover contracts to distributors of the products of inverted domestic corporations.

The purpose of the interim rule under this FAR Case 2012–013 was to extend the existing prohibition to solicitations and contracts using FY 2012 funds. It did not propose any changes in interpretation or application of the statutory prohibition. Therefore, application to distributors of the products of inverted domestic corporations is outside the scope of this rule.

3. Relationship to Buy American Statute

Comment: One respondent stated that the Buy American Act of 1933 (now codified at 41 U.S.C. chapter 83) created

a precedent to prefer American-made products relative to non-domestically produced ones. Therefore, it is proper for this act to favor domestic firms over foreign firms.

Response: The Councils note that the prohibition in this rule is not against all foreign firms, but only those foreign firms that are inverted domestic corporations.

Comment: One respondent stated that all corporations based outside the United States should be forbidden to receive business from any branch of the U.S. Government.

Response: The Buy American statute promotes purchase of domestic products, but provides certain exceptions that provide necessary balance (such as unreasonable cost or nonavailability of domestic products). In addition, the United States is party to the World Trade Organization Government Procurement Agreement and numerous free trade agreements, which provide the mutual benefit allowing the United States to export more goods and services, in exchange for opening our markets to the goods and services of countries that do not discriminate against the United States in their trade practices.

Comment: One respondent stated a belief that inverted domestic corporations are ''representing themselves as American companies'' and that the U.S. military does not even know that they are receiving ''tools made off shore in the guises of Buy American Act.''

Response: The Government considers inverted domestic corporations to be foreign companies, because they are incorporated outside the United States and do not pay U.S. corporate income taxes. Furthermore, for purposes of the Buy American statute, the key factor is not whether the corporate entity is foreign or domestic, but whether the offered product is a domestic end product: *i.e.,* the product is manufactured in the United States and the majority of the components are also of domestic origin. If the Buy American statute applies to an acquisition, the offeror must certify whether the offered product is a domestic end product. In any solicitation that is predominantly for the acquisition of manufactured end products, the offeror must also indicate whether the place of manufacture of the offered products is in the United States or outside the United States (FAR 52.225–18, Place of Manufacture).

4. Possible Lack of Other Sources

Comment: One respondent, although generally supporting the rule, was concerned about negative impact on DoD and NASA due to lack of possible leeway if there is no domestic firm producing a particular part that can only be obtained from an inverted domestic corporation.

Response: FAR 9.108–4 allows for a waiver of the prohibition, if an agency head determines in writing that the waiver is required in the interest of national security, documents the determination, and reports it to Congress.

5. Impact on Small Business

Comment: Several respondents considered that the rule could have an impact on small business, to the extent that a small business might now receive an award that formerly would have been made to an inverted domestic corporation, which would create a positive impact. One respondent expressed the certainty that a myriad of products and services can be re-directed to U.S.-based small businesses.

Another respondent did not disagree with the statement in the interim rule that small businesses would not be impacted by the rule.

Response: With regard to re-direction of awards to small U.S. businesses, the Federal Government already has an active program to set aside awards for small businesses (see FAR subpart 19.5). Generally, acquisitions with a value less than the simplified acquisition threshold are set aside for small businesses, and contracting officers are also required to set aside for small businesses acquisitions that exceed the simplified acquisition threshold, when there is a reasonable expectation that offers will be obtained from at least two responsible small business concerns offering the products of different small business concerns, and award will be made at fair market prices.

This final rule does not directly impact small business, because the rule only extends the existing prohibition on contracting with inverted domestic corporations to acquisitions using FY 2012 funds, and the prohibition relates to foreign entities that are also generally large multinational corporations. The fact that these particular entities are now prohibited from contracting with the Government will not have a significant impact on a substantial number of small entities, because it only removes an insignificant number of competitors and Government awards may still go to either large or small businesses, either domestic or foreign, depending on other applicable statutes and regulations. In some instances, depending on the product to be provided and the extent of competition in that market, there may be a minimal positive impact for some small businesses.

6. Prescription for Use of FAR 52.209–2

Comment: One respondent stated that the interim rule leaves unchanged the text of FAR 9.108–5(a), which states the prescription for use of the provision at FAR 52.209–2. According to the respondent, the prescription conflicts with FAR 4.1202(e), which says not to separately include FAR 52.209–2 in any solicitation that includes the clause at FAR 52.204–7, Central Contractor Registration (CCR).

Response: This comment is outside the scope of this case, which did not address FAR 9.108–5(a). The issue raised is a global issue that affects the prescriptions for all provisions listed at FAR 4.1202(a) through (bb). If the solicitation includes FAR 52.204–7, or the offeror is registered in CCR and has completed the Online Representations and Certifications Application (ORCA) electronically and chooses to rely on the electronic representations and certifications, then paragraph (d) of FAR 52.204–8, Annual Representations and Certifications, applies. FAR 52.204–8, paragraph (d) allows reliance on representation in ORCA, rather than separate inclusion of the representation in the solicitation.

The current convention has been to independently prescribe the clauses in the applicable FAR parts and then override the prescription at FAR 4.1202, if the acquisition contains the clause at FAR 52.204–7 or the offeror meets the other conditions and chooses to make paragraph (d) applicable. If the Councils decide to change this convention, then it should be addressed in a proposed rule that provides a uniform prescription format for all affected provisions, not be done piecemeal for just one provision.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has deemed that this is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of

E.O. 12866, Regulatory Planning and Review, dated September 30, 1993, and that this rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because this rule will only impact an offeror that is an inverted domestic corporation and wants to do business with the Government. It is expected that the number of entities impacted by this rule will be minimal. Small business concerns are unlikely to have been incorporated in the United States and then reincorporated in a tax haven; the major players in these transactions are reportedly the very large multinational corporations. No domestic entities will be directly impacted by this rule. For the definition of ''small business,'' the Regulatory Flexibility Act refers to the Small Business Act, which in turn allows the U.S. Small Business Administration (SBA) Administrator to specify detailed definitions or standards (5 U.S.C. 601(3) and 15 U.S.C. 632(a)). The SBA regulations at 13 CFR 121.105 discuss who is a small business: ''(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor.'' Also see the response to the comment at II.B.5. of this preamble. Therefore, a Final Regulatory Flexibility Analysis has not been performed.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 9 and 52

Government Procurement.

Dated: January 23, 2013.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 9 and 52, which was published in the **Federal Register** at 77 FR 27547 on May 10, 2012, is adopted as final without change.

[FR Doc. 2013–01745 Filed 1–28–13; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 16

[FAC 2005–65; FAR Case 2012–007; Item II; Docket 2012–0007, Sequence 1]

RIN 9000–AM26

Federal Acquisition Regulation; Extension of Sunset Date for Protests of Task and Delivery Orders

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are adopting as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement sections of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and the National Defense Authorization Act for Fiscal Year 2012. These statutes extend the sunset date for protests against the award of task or delivery orders from May 27, 2011 to September 30, 2016.

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lague, Procurement Analyst, at 202–694–8149 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–65, FAR Case 2012–007.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA originally published an interim rule in the **Federal Register** at 76 FR 39238 on July 5, 2011, entitled ''Extension of Sunset Date for Protests of Task and Delivery Orders'' (FAC 2005–53, FAR Case 2011–015). The rule implemented section 825 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 (Pub. L. 111–383, enacted January 7, 2011). The rule extended the sunset date for protests of task and delivery orders valued in excess of $10 million for Title 10 agencies, namely DoD, NASA and the Coast Guard. The rule did not extend the sunset date for Title 41 agencies as there was no comparable change to Title 41 at that time.

Subsequent to the publication of the interim rule under FAR Case 2011–015, section 813 of the NDAA for FY 2012 (Pub. L. 112–81, enacted December 31, 2011) made comparable changes to Title 41 to extend the sunset date for protests against the award of task and delivery orders from May 27, 2011 to September 30, 2016. In order to accomplish the statutory changes for both Title 10 and Title 41, FAR Case 2011–015 was not issued as a final rule and was instead incorporated into an interim rule under FAR Case 2012–007.

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 77 FR 44062 on July 26, 2012, entitled ''Extension of Sunset Date for Protests of Task and Delivery Orders'' (FAC 2005–60, FAR Case 2012–007). The rule implemented section 825 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 (Pub. L. 111–383, enacted January 7, 2011) and section 813 of the NDAA for FY 2012 (Pub. L. 112–81, enacted December 31, 2011). The rule extended the sunset date for protests of task and delivery orders valued in excess of $10 million from May 27, 2011, to September 30, 2016.

II. Discussion and Analysis

No public comments were received; therefore the Defense Acquisition Regulations Council and the Civilian Agency Acquisition Council are finalizing the interim rule without change.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting

flexibility. The Office of Information and Regulatory Affairs (OIRA) has deemed that this is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993, and that this rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.* The Final Regulatory Flexibility Analysis (FRFA) is summarized as follows.

This rule implements section 825 of the NDAA for FY 2011 and section 813 of the NDAA for FY 2012, which extended the sunset date for protests of task and delivery orders valued in excess of $10 million from May 27, 2011, to September 30, 2016.

The authority to file protests against the award of task or delivery orders is relatively new, and there is little data available, as such protests may be filed with the agency or Government Accountability Office (GAO). GAO has exclusive jurisdiction of a protest of an order valued in excess of $10 million. Data on agency-level protests are not compiled outside the agency concerned; therefore estimates are based on the total number of protests filed at the GAO in FYs 2009, 2010, and 2011.

Assuming that one-half of all protests are filed with the GAO and the other half are filed with the agency, then the average number of protests filed per fiscal year would be 4,466 (see below):

Fiscal Year 2009 protests to GAO	2,000
Fiscal Year 2010 protests to GAO	2,300
Fiscal Year 2011 protests to GAO	2,400
	6,700
Divided by	3
Average annual GAO protests	2,233
Multiplied by	*2*
Per Fiscal Year; Estimated total number of protests	4,466

Protests may be filed against the award of contracts as well as certain task or delivery orders. There are few prohibitions on the grounds for protests against the award of a contract. However, protests against the award of a task or delivery order are limited to (a) a protest on the grounds that the order increases the scope, period, or maximum value of the contract; or (b) a protest of an order valued in excess of $10 million. Therefore, it is reasonable to assume that less than 50 percent of the total number of protests filed is against the award of a task or delivery order. A generous estimate is approximately one-fourth, or 1,117. Likewise, only a percentage of the protests against the award of a task or delivery order are made by small businesses. Even if we assume that percentage to be one-half, then the number of protests filed by small businesses against the award of a task or delivery order is estimated to be 559.

# protests of task/delivery orders by small businesses	559
% of protests sustained	× .03
# of task/delivery orders protests sustained	17

The number 17 represents the number of small business task or delivery order protests sustained in a fiscal year. This number is representative of protests against awards by all Government agencies.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

The final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 48 CFR Part 16

Government procurement.

Dated: January 23, 2013.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR part 16, which was published in the **Federal Register** at 77 FR 44062 on July 26, 2012, (which incorporated an interim rule published in the **Federal Register** at 76 FR 39238 on July 5, 2011), is adopted as final without change.

[FR Doc. 2013–01747 Filed 1–28–13; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAC 2005–65; FAR Case 2012–012; Item III; Docket 2012–0012, Sequence 1]

RIN 9000–AM24

Federal Acquisition Regulation; Free Trade Agreement—Colombia

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA have adopted as final, with change, the interim rule amending the Federal Acquisition Regulation (FAR) to implement the United States-Colombia Trade Promotion Agreement. This Trade Promotion Agreement is a free trade agreement (FTA) that provides for mutually non-discriminatory treatment of eligible products and services from Colombia.

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, at 202–219–0202 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–65, FAR Case 2012–012.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 77 FR 27548 on May 10, 2012, to implement the United States-Colombia Trade Promotion Agreement Implementation Act (Pub. L. 112–42) (19 U.S.C. 3805 note). The comment period closed on July 9, 2012. No comments were received on the interim rule.

The interim rule added Colombia to the definition of ''Free Trade Agreement country'' in multiple locations in the FAR.

The Colombia FTA covers acquisition of supplies and services equal to or exceeding $77,494. The threshold for the Colombia FTA is $7,777,000 for construction. The excluded services for the Colombia FTA are the same as for the Bahrain FTA, Dominican Republic—Central American FTA, Chile FTA, NAFTA, Oman FTA, and Peru FTA.

Because the Colombia FTA construction threshold of $7,777,000 is the same as the World Trade Organization (WTO) Government Procurement Agreement (GPA) threshold, no new clause alternates are required for the Buy American Act—Construction Materials under Trade Agreements provision and clause (FAR 52.225–11 and 52.225–12) or the Recovery Act FAR clauses at 52.225–23 and 52.225–24.

The final rule corrects the alphabetical order of the listing of the Colombia Free Trade Agreement in the heading of the fourth column of the table at FAR 25.401(b).

II. Executive Order 12866

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs

and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has deemed that this is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993, and that this rule is not a major rule under 5 U.S.C. 804.

III. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although the rule now opens up Government procurement to the goods and services of Colombia, DoD, GSA, and NASA do not anticipate any significant economic impact on U.S. small businesses. The Department of Defense only applies the trade agreements to the non-defense items listed at Defense Federal Acquisition Regulation Supplement 225.401–70, and acquisitions that are set aside or provide other form of preference for small businesses are exempt. FAR 19.502–2 states that acquisitions of supplies or services with an anticipated dollar value between $3,000 and $150,000 (with some exceptions) are automatically reserved for small business concerns.

IV. Paperwork Reduction Act

The rule affects the certification and information collection requirements in the provisions at FAR 52.212–3, 52.225–4, 52.225–6, and 52.225–11 currently approved under the Office of Management and Budget Control Numbers 9000–0136, titled: Commercial Item Acquisition; 9000–0130, titled: Buy American Act-Free Trade Agreements-Israeli Trade Act Certificate; 9000–0025, titled: Trade Agreements certificate; and 9000–0141, titled: Buy American-Construction, respectively, in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The impact, however, is negligible because it is just a question of which category offered goods from Colombia would be listed under.

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: January 23, 2013.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy.

Interim Rule Adopted as Final with Change

■ Accordingly, the interim rule amending 48 CFR parts 25 and 52, which was published in the **Federal Register** at 77 FR 27548, May 10, 2012, is adopted as final with the following change:

PART 25—FOREIGN ACQUISITION

■ 1. The authority citation for 48 CFR parts 25 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

25.401 [Amended]

■ 2. Amend section 25.401, in the table that follows paragraph (b), by removing from the table heading ''Colombia FTA, Chile FTA,'' and adding ''Chile FTA, Colombia FTA,'' in its place.

[FR Doc. 2013–01748 Filed 1–28–13; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 31 and 52

[FAC 2005–65; FAR Case 2011–011; Item IV; Docket 2011–0011, Sequence 1]

RIN 9000–AM13

Federal Acquisition Regulation; Unallowability of Costs Associated With Foreign Contractor Excise Tax

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement certain requirements of section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, which imposes a 2 percent excise tax on certain Federal procurement payments to foreign persons. The rule disallows the cost associated with the 2 percent excise tax on certain foreign procurements.

DATES: *Effective Date:* February 28, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Edward N. Chambers, Procurement Analyst, at 202–501–3221, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–65, FAR Case 2011–011.

SUPPLEMENTARY INFORMATION:

I. Background

The James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347) was signed into law and effective on January 2, 2011. Section 301 of the Act amends the Internal Revenue Code of 1986 by adding a new section 5000C, Imposition of tax on certain foreign procurements (26 U.S.C. 5000C). Section 5000C imposes a 2 percent excise tax on payments made to foreign persons pursuant to Government contracts for the provision of goods or services, if the goods are manufactured or produced in, or the services are performed in, a country that is not a party to an international procurement agreement with the United States. The statute applies to contracts entered into on or after January 2, 2011. The statute does not apply, however, if the imposition of the tax would be inconsistent with any international agreement. The tax is to be collected in a manner similar to other U.S. taxes withheld on payments to foreign persons. Additionally, section 301 stipulates that no funds are to be disbursed to any foreign contractor in order to reimburse the tax imposed (26 U.S.C. 5000C Note).

On February 22, 2012, DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 77 FR 10461 implementing the prohibition against reimbursement of the 2 percent excise tax, by revising the FAR rules so that the cost of the tax cannot be included as part of a payment, or as part of a cost-based negotiated price.

Regulations under section 5000C will be forthcoming from the Department of the Treasury that will provide specific guidance regarding the application of the tax and the procedures for withholding the tax. Once the Department of the Treasury implements procedures for withholding this 2 percent excise tax, the impact on

applicable FAR provisions will be handled in a separate FAR case.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided as follows:

A. Summary of Significant Changes

To comply with the statute, FAR 31.205–41 is amended to inform the Government and contractors that the costs of the 2 percent excise tax are not allowable. FAR 52.229–3, 52.229–4, 52.229–6, and 52.229–7 are amended to provide that the costs for the 2 percent excise tax are not included in either foreign fixed-price contracts with a foreign concern or foreign fixed-price contracts with foreign governments.

Based on a review of the public comments, discussed below, the Councils have concluded that no change to the proposed rule is necessary.

B. Analysis of Public Comments

The Regulatory Secretariat received responses from two respondents to the proposed rule which are discussed below:

1. Intent of the rule.

Comment: One respondent believes the intent of this rule is to encourage countries to sign the World Trade Organization (WTO) Government Procurement Agreement (GPA) and other Free Trade Agreements (FTAs) identified under FAR part 25.

Response: The intent of the FAR rule is to implement requirements in the FAR to disallow the cost of the 2 percent excise tax mandated by the Public Law 111–347. The FAR is the primary document for uniform policies and procedures for acquisition by all executive agencies. FAR part 25 provides policies and procedures applicable to acquisitions that are covered by the trade agreements to which the United States is a party.

2. Implementation of the 2 percent excise tax and withholding procedures.

Comment: Both respondents submitted comments regarding the implementation of the 2 percent excise tax and the Government's intended withholding procedures. These comments included:

(a) Turkey is a member of the WTO, but is only an observer of the WTO's GPA. Will the 2 percent excise tax be applied to Turkish contractors?

(b) The rule is considered to be a violation of the trade and investment agreements between Turkey and the U.S.

(c) The rule will impose a tax that will cause certain foreign contractors to withdraw from contracting with the U.S. Government.

(d) The rule should apply to future contracts, not be retroactively applied to already signed contracts.

(e) The rule degrades the U.S. Government's ability to procure qualified contractors to perform in areas of the world, such as Afghanistan.

(f) The rule creates unfair treatment to non-signatories of the WTO GPA and favors WTO GPA signatories and U.S. contractors.

(g) The rule fails to define ''international procurement agreement'' and the respondent believes that it refers only to the WTO GPA and other Free Trade Agreements, as identified in FAR part 25.

(h) The respondent believes that contractors from WTO GPA signatory countries will still be subject to the rule in the event that goods are produced or services rendered in a non-signatory country.

(i) Will the 2 percent excise tax be withheld from payments to subcontractors?

Response: The intent of the rule is to implement the requirements of Public Law 111–347 in the FAR regarding the disallowance of the cost of the 2 percent excise tax. This rule does not determine the extent to which contract payments will be subject to the tax. Regulations under section 5000C will be forthcoming from the Department of the Treasury, which will provide guidance regarding the application of the tax and the procedures for withholding the tax. This rule simply disallows the tax as part of a payment, or as part of a cost-based negotiated price.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has deemed that this is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993, and that this rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* because the 2 percent excise tax is applied only to foreign persons that receive payments made pursuant to a contract with the Government of the United States for the provision of goods, if such goods are manufactured or produced in any country which is not a party to an international procurement agreement with the United States, or the provision of services, if such services are provided in any country which is not a party to an international procurement agreement with the United States. ''Foreign person'' means any person (including any individual, partnership, corporation, or other form of association) other than a United States person. Therefore, this rule is expected to have no impact on domestic small business concerns. There are no reporting, recordkeeping, or other compliance requirements for this rule. The approach described in this rule is the most practical and beneficial for both Government and industry.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

The final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 31 and 52

Government procurement.

Dated: January 23, 2013.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 31 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 31 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

■ 2. Amend section 31.205–41 by adding paragraph (b)(8) to read as follows:

31.205–41 Taxes.

* * * * *

(b) * * *

(8) Any tax imposed under 26 U.S.C. 5000C.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.229–3 by revising the date of the clause and paragraph (b) to read as follows:

52.229–3 Federal, State, and Local Taxes.

* * * * *

Federal, State, and Local Taxes (FEB 2013)

* * * * *

(b)(1) The contract price includes all applicable Federal, State, and local taxes and duties, except as provided in subparagraph (b)(2)(i) of this clause.

(2) Taxes imposed under 26 U.S.C. 5000C may not be—

(i) Included in the contract price; nor

(ii) Reimbursed.

* * * * *

■ 4. Amend section 52.229–4 by revising the date of the clause and paragraph (b) to read as follows:

52.229–4 Federal, State, and Local Taxes (State and Local Adjustments).

* * * * *

Federal, State, and Local Taxes (State and Local Adjustments) (FEB 2013)

* * * * *

(b)(1) Unless otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties, except as provided in subparagraph (b)(2)(i) of this clause.

(2) Taxes imposed under 26 U.S.C. 5000C may not be—

(i) Included in the contract price; nor

(ii) Reimbursed.

* * * * *

■ 5. Amend section 52.229–6 by—

■ a. Revising the date of the clause;

■ b. Redesignating paragraph (c) as (c)(1); removing from the newly designated paragraph (c)(1) ''States.'' and adding ''States, except as provided in subparagraph (c)(2) of this clause.'' in its place;

■ c. Adding paragraph (c)(2);

■ d. Redesignating paragraph (d) as (d)(1); removing from the newly designated paragraph (d)(1) ''The contract price shall'' and adding ''Except as provided in subparagraph (d)(2) of this clause, the contract price shall'' in its place; and

■ e. Adding paragraph (d)(2).

The revisions and additions read as follows:

52.229–6 Taxes—Foreign Fixed-Price Contracts.

* * * * *

Taxes—Foreign Fixed-Price Contracts (FEB 2013)

* * * * *

(c)(1) * * *

(2) Taxes imposed under 26 U.S.C. 5000C may not be—

(i) Included in the contract price; nor

(ii) Reimbursed.

(d)(1) * * *

(2) The contract price may not be increased to offset taxes imposed under 26 U.S.C. 5000C.

* * * * *

■ 6. Amend section 52.229–7 by—

■ a. Revising the date of the clause;

■ b. Redesignating paragraph (b) as paragraph (b)(1); and

■ c. Adding paragraph (b)(2).

The revision and addition read as follows:

52.229–7 Taxes—Foreign Fixed-Price Contracts with Foreign Governments.

* * * * *

Taxes—Foreign Fixed-Price Contracts With Foreign Governments (FEB 2013)

* * * * *

(b) * * *

(2) Taxes imposed under 26 U.S.C. 5000C may not be included in the contract price.

* * * * *

[FR Doc. 2013–01750 Filed 1–28–13; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 2, and 31

[FAC 2005–65; Item V; Docket 2013–0080; Sequence 1]

Federal Acquisition Regulation; Technical Amendments

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective Date:* January 29, 2013.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, 1275 First Street NE., 7th Floor, Washington, DC 20417, 202–501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–65, Technical Amendments.

SUPPLEMENTARY INFORMATION: In order to update certain elements in 48 CFR parts 1, 2, and 31, this document makes editorial changes to the FAR.

List of Subjects in 48 CFR Parts 1, 2, and 31

Government procurement.

Dated: January 23, 2013.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 2, and 31 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 2, and 31 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

■ 1. Amend section 1.106 by—

■ a. Removing from the table following the introductory text, FAR segments ''52.234–1'' and ''34.1'' and their corresponding OMB Control Numbers ''9000–0133'' and ''9000–0132'', respectively; and

■ b. Adding, in numerical sequence, in the table following the introductory text, FAR segments ''27.2'', ''52.227–2'', ''52.227–6'', and ''52.227–9'' and their corresponding OMB Control Number ''9000–0096''.

PART 2—DEFINITIONS OF WORDS AND TERMS

2.000 [Amended]

■ 2. Amend section 2.000 by removing from the last sentence of paragraph (b) ''(see the Index for locations)''.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205–6 [Amended]

■ 3. Amend section 31.205–6 by removing from paragraph

(o)(2)(iii)(A)(*2*)(*i*) ''healthcare inflation'' and adding ''health care inflation'' in its place.

[FR Doc. 2013–01751 Filed 1–28–13; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR 2013–0078, Sequence 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–65; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2005–65, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2005–65, which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov.*

DATES: January 29, 2013.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–65 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

LIST OF RULES IN FAC 2005–65

Item	Subject	FAR Case	Analyst
I	Prohibition on Contracting with Inverted Domestic Corporations	2012–013	Jackson.
II *	Extension of Sunset Date for Protests of Task and Delivery Orders	2012–007	Lague.
III	Free Trade Agreement—-Colombia	2012–012	Davis.
IV *	Unallowability of Costs Associated with Foreign Contractor Excise Tax	2011–011	Chambers.
V	Technical Amendments.		

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these FAR cases, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–65 amends the FAR as specified below:

Item I—Prohibition on Contracting With Inverted Domestic Corporations (FAR Case 2012–013)

This rule adopts as final an interim rule implementing section 738 of Division C of the Consolidated Appropriations Act, 2012 (Pub. L. 112–74), which prohibits the award of contracts using Fiscal Year 2012 appropriated funds to any foreign incorporated entity that is treated as an inverted domestic corporation or to any subsidiary of such an entity. The interim rule extended an existing prohibition that applied to the use of Fiscal Year 2008 through 2010 funds. Contracting officers are prohibited from awarding contracts using appropriated funds to any foreign incorporated entity that is treated as an inverted domestic corporation or to any subsidiary of such entity, unless an exception applies. This rule will not have any significant economic impact on small businesses because this rule only applies to an offeror that is an inverted domestic corporation and wants to do business with the Government. Small business concerns are unlikely to have been incorporated in the United States and then reincorporated in a tax haven.

Item II—Extension of Sunset Date for Protests of Task and Delivery Orders (FAR Case 2012–007)

This final rule amends the FAR to implement section 825 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Pub. L. 111–383) and section 813 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81). These statutes extend the sunset date for protests against awards of task or delivery orders to September 30, 2016. There is no effect on Government automated systems.

Item III—Free Trade Agreement—Colombia (FAR Case 2012–012)

This final rule adopts, with minor change, the interim rule published in the **Federal Register** at 77 FR 27548 on May 10, 2012, to implement the United States-Colombia Trade Promotion Agreement. This Trade Promotion Agreement is a free trade agreement (FTA) that provides for mutually non-discriminatory treatment of eligible products and services from Colombia.

The Colombia FTA covers acquisition of supplies and services equal to or exceeding $77,494. The threshold for the Colombia FTA is $7,777,000 for construction. The excluded services for the Colombia FTA are the same as for the Bahrain FTA, Dominican Republic-Central American FTA, Chile FTA, NAFTA, Oman FTA, and Peru FTA.

Item IV—Unallowability of Costs Associated With Foreign Contractor Excise Tax (FAR Case 2011–011)

This final rule amends the FAR to implement certain requirements of section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, which imposes a 2 percent excise tax on certain Federal procurement payments to foreign persons. First, the statute disallows the cost of the 2 percent excise tax on certain foreign procurements as part of a payment, or as part of a cost-based negotiated price. Second, the statute stipulates that no funds are to be disbursed to any foreign contractor in order to reimburse the tax imposed. This rule will have a minimal economic impact on small businesses because the 2 percent excise tax is

applied only to foreign persons that receive Federal procurement payments pursuant to a contract with the Government of the United States for the provision of goods or services, if the goods are manufactured or produced in, or the services are performed in, a country that is not a party to an international procurement agreement with the United States.

Item V—Technical Amendments

Editorial changes are made at FAR 1.106, 2.000, and 31.205–6.

Dated: January 23, 2013.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2013–01752 Filed 1–28–13; 8:45 am]

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

H.R. 41/P.L. 113–1
To temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the National Flood Insurance Program. (Jan. 6, 2013; 127 Stat. 3)
Last List January 17, 2013

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